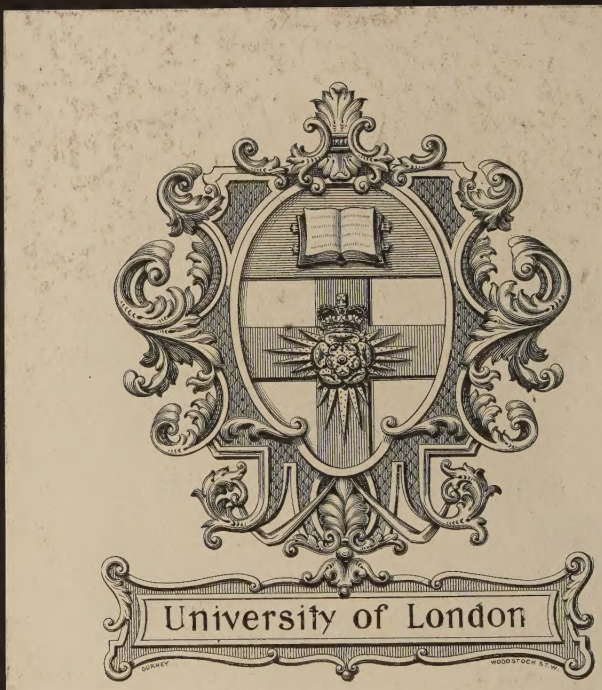
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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

By G. W. PROTHERO, Litt.D., LL.D.

Delivered February 18, 1904

In my third year of office I may, I hope, congratulate the Society on the satisfactory condition disclosed by the report which is in your hands.

The volume of 'Transactions' for the year 1902–3 contains some valuable papers based on original research and providing a varied entertainment for the historical reader. They show, as usual, a dominant interest in British history, a fact of which I do not complain; but I should be glad if the sphere of our activity were more frequently extended, so as to take in ancient and foreign history as well.

Our other publications during the past year, to say the least, do not fall below our standard. The Bibliographies of the historical works by those admirable men and accomplished historians whose loss we have had to deplore in the last two years were published last autumn, and disclose a volume of production of which the world at large—especially in the case of Lord Acton—was, I think, hardly aware. The utility of such a publication is too obvious to be insisted on. Miss Curran has found leisure from the onerous duties which

she performs with so much satisfaction to the Society to edit for the time-honoured Camden Series an interesting volume of letters bearing on that time of diplomatic intrigue and international duplicity, the years between the Peace of Aix-la-Chapelle and the Peace of Nimeguen. The 'Despatches of William Perwich,' British agent in Paris from 1669 to 1677, throw a light on the policy of Louis XIV. and of Charles II. of which Macaulay, had he been acquainted with them, would gladly have made use. Finally, we are just about to publish —as part of our output for the past year—the first portion of the 'Collectanea Anglo-Premonstratensia,' admirably edited for the Society by Dr. Gasquet. These valuable records, bearing on the history of an order of which comparatively little is known, but which possessed upwards of thirty houses in this country, are especially interesting as throwing light on the difficulties in which ecclesiastical foundations were involved when subject to the laws of one state, but owning an ill-defined allegiance to a parent house situated in another.

The School of Advanced Historical Teaching, started two years ago mainly by members of this Society, has continued to flourish. The courses of instruction given by the two lecturers, Mr. Hubert Hall and Mr. Leadam, have been well attended, and have done good work. A notable success has been achieved by Mr. Hall's class in the publication of the Pipe Roll of the Bishopric of Winchester for the year 1208–9. This document, transcribed from the original manuscript, has been carefully edited with an introduction, notes, and glossary, in a fine folio volume, and throws a flood of light on the medieval manor, ecclesiastical finance and administration, and many other subjects of importance in medieval history. Nor is this the only visible result of these classes. Several students of the School of Economics and Political Science, who have attended Mr. Hall's and Mr. Leadam's classes, have obtained posts under the London County Council and similar authorities throughout the country, for which they have qualified by the knowledge they have acquired in these and other classes of the school. A more intelligent appreciation and use of local

records should be the result ; and from this we may confidently anticipate discoveries of great value to historical science. Unfortunately, the funds at the command of the committee are fast becoming exhausted. It is only by the munificence of Mr. Passmore Edwards that one of the two lectureships has been established ; and if the appeal which will shortly be issued for the funds necessary to place the scheme on a permanent basis fails to meet with a liberal response, it is to be feared that an experiment of great promise may fail from mere inanition.

It is a source of congratulation that our membership has been strengthened during the past year by the adhesion, as subscribing members, of several great libraries, notably those of the British Museum, and the Universities of Oxford, Cambridge, and Durham, as well as by that of several scholars of distinction. Your Council have made it their object to enlist in our ranks *all* historians in this country who have made any mark in historical science. Our efforts in this direction have of late years achieved considerable but not, as yet, complete success. It is much to be desired that the members of the Society, and especially members of the Council, should use their best endeavours to add to our numbers, provided the candidates can show sufficient qualification.

Our tenancy of the Society's rooms in Clifford's Inn, and our right to use this fine old hall, have, I am glad to say, been prolonged ; and it is probable that we may still enjoy the use of them for some time to come. But I am unfortunately obliged to warn the Society that our tenure is precarious. The prospect of being forced, in these days of overcrowding and rising rents, to look for a new abode within no long period is another reason for increasing our membership, so far as that is possible with due regard to qualifications.

During the past year a notable change has taken place in our staff. Mr. Hubert Hall, who for a long time past has discharged the duties of Director and Hon. Secretary, has at length found the task too heavy for even his energy and devotion. He has resigned the secretaryship, retaining, I am

glad to say, the post of Literary Director, in which he will continue to arrange for the meetings and to superintend the publications of the Society. We may consider ourselves most fortunate in having found so competent a successor as Mr. Malden for the responsible post of Secretary. I cannot let slip this opportunity of publicly declaring the obligations of the Society to Mr. Hall, who undertook the secretaryship at a critical period, and who has ever since devoted himself with unsparing industry and self-sacrifice to the interests of the Society; nor can I refrain from expressing my personal gratitude to him for the constant kindness he has shown to myself and the ever-ready assistance he has given me during my tenure of office.

The unity of historical interests all over the world was recognised last year in the Historical Congress which met in Rome, and was attended on behalf of the Society by Mr. Frederic Harrison and Mr. Oscar Browning. It is understood that efforts are being made to arrange for another meeting of the Congress this year in Berlin—with what success I am not yet informed.

The revival of the Palæographical Society in a new form is a matter of importance to all medievalists. The new venture, which is due to the efforts of Sir E. Maunde Thompson and his colleagues, has begun well, and has already published as a first year's result an admirable volume of fac-similes. Efforts are being made to resuscitate the Pipe Roll Society, which suspended operations four years ago; and in the interests of medieval finance and economics it is to be hoped that these efforts may meet with success. Students of economics will have welcomed the appearance of the 'Quarterly Review for Social and Economic History' ('Vierteljahrschrift für Social- und Wirthschaftsgeschichte'), published at Leipzig, but aiming at international support and circulation. Its English editor is our distinguished member Dr. P. Vinogradoff, whose recent elevation to the Chair of Jurisprudence at Oxford is a matter of hearty congratulation to the university and to himself.

Although I do not intend on this occasion to attempt any general review of recent important historical publications, I cannot help calling attention to certain notable works lately produced by members of our Society—the completion of the first volume of the great edition of the Anglo-Saxon Laws, in which Professor F. Liebermann has distanced all his predecessors and placed this country under another obligation to German scholarship ; the first volume of the new series of Year Books edited by Professor Maitland for the Selden Society, on which the editor has brought to bear not only all his old acuteness, wit, and legal knowledge, but also an acquaintance with old French which would do credit to any professed philologist ; the collection of 'Select Cases in the Star Chamber, 1477–1509,' edited by Mr. I. S. Leadam for the same society, with a most valuable introduction, in which he has gone far towards settling the vexed questions relative to the origin of that court, and the effect of the Act of 3 Hen. VII. ; and, finally, the first two volumes of the 'History of the Peninsular War,' in which Professor Oman, the first of living British military historians, bids fair to rival and in some respects to supersede his brilliant predecessor Napier.

During the past year death has unfortunately been busy among our ranks. We have to regret the loss of Sir Frederick Bramwell, F.R.S., who combined with a unique knowledge of practical engineering and mechanics a keen interest in history ; of Sir R. H. Davies, K.C.S.I., a distinguished Indian official and member of the Council of India ; and of the Hon. G. C. Brodrick (*ob.* November 1, 1903), one of our Vice-Presidents and an active member of Council, who was for more than twenty years Warden of Merton, and, as a leader-writer for the 'Times,' long played an influential part in the formation of public opinion. His 'Political Studies' and his contributions to the history of Oxford showed the historian and publicist ; his reminiscences, like his conversation, displayed the accomplished man of affairs and of society ; and at the time of his death he was at work on a volume of the English History which is shortly to appear under the editorship of our

colleague, Dr. Hunt. Nor is Mr. Brodrick the only historical scholar whose death Oxford has to mourn; for, though he was not a member of our Society, the science of history lost a distinguished supporter in Professor Earle (*ob.* January 31, 1903), whose many works—such as his 'Two Saxon Chronicles' and his 'Handbook to the Land-Charters and other Saxonic Documents'—did so much to illuminate our earliest history.

In this connection I should mention—what I unfortunately omitted to refer to last year—the death of Professor Conrad von Maurer (*ob.* September 16, 1902), that distinguished scholar who in the course of his long life did more for the science of Norse, and especially Icelandic, antiquities than any other man of his day. Born a few years after Mommsen, and like him trained in a juristic school, Maurer made his mark before he was twenty-five with his treatise on the primitive nobility of the Germanic races ('Das Wesen des ältesten Adels der deutschen Stämme in seinem Verhältnis zur gemeinen Freiheit'), a work of research in which he paid special attention to the evidence of Anglo-Saxon law and custom. Though he was subsequently attracted more and more towards the fascinating relics of Scandinavian antiquity, he never ceased to take a keen interest in the early history and especially the legal origins of this country; and to him, as a 'past master of the history of Germanic Law,' Dr. Liebermann has dedicated the first volume of the great work to which I have already referred. In his lifelong devotion to research 'ohne Hast, ohne Rast,' in his wide outlook and scientific method, in the variety of the sciences which he brought to bear on the elucidation of historical problems, Conrad von Maurer was a notable example of the German 'gelehrter' of the best type. A distinguished fellow-worker in the same field, Professor Gustav Storm of Christiania, died a few months after Conrad von Maurer (February, 1903). It was Storm who founded the 'Archiv' for Norse philology, and by his editions of the 'Monumenta historica Norwegiæ' and the 'Regesta Norwegiæ' did so much to supplement the sagas and to throw light on

primitive Scandinavian society. To men like these the student of English antiquity who follows the comparative method—the only method which can lead to permanent results—will one day recognise a large debt.

But to English historians of the present day the loss which comes home most nearly is that of William Hartpole Lecky (*ob.* November 1, 1903), an Honorary Vice-President of our Society, and one of the most elevated, trustworthy, and instructive historians of the nineteenth century. An Irishman by birth, a moderate Liberal by temperament, with a deep love for his country and a warm sympathy for a reasonable nationalism, Lecky was early drawn to study Irish history, and it retained to the end a foremost place in his thoughts. His first work, the 'Leaders of Public Opinion in Ireland,' was also in a sense his last; for the book, originally published in 1861, was published a second time, in a much amplified and corrected form, only a few months before his death. His early works, 'The Rise and Influence of Rationalism' (1865) and 'The History of European Morals' (1869), the fruits of his eager and somewhat hasty youth, resembled Buckle's contemporary 'History of Civilisation' in their sweeping range, and suffered in some degree from similar defects. Comparatively little read in these latter days, these works attracted wide attention at the time, and are well worth study still, from their power of correlation and generalisation, their vigour and suggestiveness, and the reasoned and philosophical liberality of their conclusions. As time went on, Lecky grew more conservative; or, at least, his balanced mind perceived more clearly the dangers encircling the path of progress. The change was seen in his work on 'Democracy and Liberty' (1896), which was republished three years later with a preface containing an estimate of the great Liberal leader then just dead, exceeding in penetration, in boldness, and—as many of us will think—in justice any appreciation of that powerful and complicated political genius that has yet appeared. But the work by which Lecky's fame will live longest is the 'History of England in the Eighteenth Century' (1878–90). It is

undoubtedly the best general history of that period that we possess or are likely to possess for a long time. For the discussion at least of our domestic history—including in that phrase the quarrel with our American colonies and the relations between England and Ireland—Lecky's cautious, just, and elevated mind was eminently fitted. Among these tangled questions, still obscured by smouldering passion and the undying sense of wrong, Lecky held the balance level between praise and blame. He defended the good intentions of England in the quarrel with America, while ruthlessly exposing its unwisdom and short-sightedness; he perceived the necessity of the Union with Ireland, while deploring the blunders of parties and the means by which the Union was brought about. Based upon full and careful research, and written in a pure and lucid style, not often rising into eloquence but never sinking into the slovenly or commonplace, Lecky's History remains in many respects a model of what a political history should be.

I have reserved for the last the greatest loss of all to historical science—that suffered in the death of Theodor Mommsen (*ob.* October 23, 1903). Born two years after Waterloo, Mommsen's marvellous activity fills the greater part of the nineteenth century. This is no place to attempt a survey of that activity, for such a survey might well fill a volume. It is to be hoped that a life of Mommsen will eventually be given to the world, by some pupil, perhaps, capable of appreciating his genius and analysing the methods and characteristics of his work. Such a book could not fail to exercise a deep influence, to inspire generations of scholars, and to inculcate with the living force of a great example the only right and fruitful methods of learning and research. Mommsen's political opinions and actions do not concern us here. Of some of them England may have cause to complain; they prove, as in the case of Treitschke, that an historian, however great, is not always a safe guide in politics; but for the rest of his activity—and that, in fact, is almost all—we, in common with the whole civilised world, have only cause

for gratitude and admiration. In his great works on the dialects of Southern Italy, on the Roman coinage, on the Penal Laws of Rome and the Roman Constitution, and above all in his immortal History of Rome and the vast 'Corpus Inscriptionum Latinarum' which he inspired and edited, he placed the history of the Republic and the Empire on a new footing. The result of his labours, regarded as a whole, affords a brilliant example of the manner in which every department of learning—language and law, epigraphy and numismatics, economics and finance, art and literature—can in the mind of an all-embracing genius be made to subserve one great purpose—that of presenting a complete, truthful, and living picture of the past. He took the largest possible view of his task and responsibilities, and of the equipment necessary for an historian—for one, at all events, who essays to revive the remoter past. But the sciences of philology and jurisprudence, the dominant elements of his youthful training, were the chief foundations of his accomplished work ; and jurisprudence, in particular, coloured his view of the State and directed the main stream of his inquiries to the last.

It was the influence of Niebuhr—the third volume of whose history appeared when Mommsen was a student at Kiel—which directed him into the lines that he was to follow through life. 'All historians that are worth the name,' said Mommsen forty years later, 'are pupils of Niebuhr.' And in his scientific analysis of authorities, in his ruthless dissection of tradition, in his application of philology to historical problems, Mommsen was a true pupil of the master. If he went beyond him, and achieved a positive instead of a mainly negative result, this was only rendered possible by Niebuhr's work. Niebuhr swept away the accumulated rubbish of republican tradition and imperial invention ; he cleared the ground on which Mommsen was able to erect a building which, at least in its main outlines, seems certain to endure. The greatest historian is probably he who is able to make the fullest use of his predecessors. Niebuhr had shown the baselessness of the old ethnology ; Mommsen by his work on

Italian dialects laid the foundation of the new, while he used the evidences of language to throw light on the culture and habits of the primitive community. Savigny, again, had already given a stimulus to the study of Roman law; Rubino had said that the chief problem of Roman history was to recover the early Roman conception of the State; Mommsen by his analysis of Roman law, and his segregation and explanation of those mysterious survivals, those dead but indispensable ceremonies and formulæ, to which even the Romans of the Republic had lost the clue, recovered this conception and restored the fabric of the primitive State. Again, many scholars before Mommsen had surmised the importance of ancient inscriptions as the least corruptible evidence of the past; from Peutinger down to Borghese inquirers and collectors had laboured here and there; Böckh, by his 'Corpus' of Greek inscriptions, had set an admirable example; it was reserved for Mommsen to accomplish, once for all, what others had dimly foreseen. In his collection of the Neapolitan records he placed the science of epigraphy on a sound basis, and showed the way to the larger task; and under his editorship the idea of an exhaustive 'Corpus' of Latin inscriptions, first started by Kellermann and Jahn, taken up by the French Academy in 1843 but dropped, was finally realised by the Academy of Berlin, to the undying glory of that great institution.

The outcome of this vast and fruitful epigraphical research is to be seen chiefly in the last volume of the Roman History—that on imperial administration—the least known but not the least valuable portion of that great work. Here, it must be confessed, we are on firmer ground than in that wonderful re-creation of monarchical and early republican Rome which dazzled an astonished world just fifty years ago. Under the Empire we can speak of evidence and proof; under the kings and the early consuls we are in the region of inference and conjecture. That Mommsen should have drawn his picture of this shadowy realm in lines as clear and positive, if not in such detail, as his picture of the later

Republic and the Empire, has been regarded as a violation of historic truth. But Mommsen's historical imagination was always under scientific control ; to him, at least, every statement that he made seemed warranted ; and there could be no gain in substituting a misty blur for vivid strokes drawn with insight and conviction. Moreover, it is to be remembered that we have in this book the finished building only ; the scaffolding has been put aside ; but it is to be found, by those who look, in the mass of *opuscula* which poured forth continuously—sometimes thirty or forty in a year—from Mommsen's pen. For Mommsen combined, in most unusual degree, the power of generalisation and the command of detail ; for him no historical fact was insignificant, and no labour was too minute if it contributed to his edifice. No one who has not followed the steps by which he arrived at his results has a right to charge him with speaking without proof.

With more justice it may be urged against him that in his later volumes he showed partiality, even unfairness, in his treatment of certain characters, notably that of Cicero. It is strange, at first sight, that one who, in contemporary politics, upheld liberal views, the strenuous supporter of constitutional government, should have shown no mercy to the moderates and the republicans, but should have laid all his homage at the feet of Cæsar, the maker of autocracy. But, on the one hand, Mommsen, liberal as he was, was a convinced monarchist ; he had seen and shared in the disasters to which the want of a Cæsar had led in '48 ; and, after all, it was not force that Mommsen worshipped, but the strong man, the leader who saw the way out of difficulties which no balanced hesitation could solve, and struck boldly into it. On the other hand, he would have replied to his critics that the business of the historian is not to draw in monochrome ; he must, if he is to produce any impression, use colour. That he suppressed or misrepresented facts cannot be charged against Mommsen ; and if his portraiture is sometimes—as I think must be allowed—too highly coloured, it is a fault on the right side. How gladly should we have placed pictures of Augustus and

Tiberius, of Vespasian and Hadrian, alongside of those glowing likenesses of Sulla and Julius! That Mommsen never completed this part of his task must be an endless subject of regret. But, unfinished as it is, and whatever defects we may find in the work, his Roman History will remain one of the great histories of the world.

From this great master of the science of antiquity I have now to make a somewhat violent transition. The subject to which I wish particularly to call your attention to-day is the neglect with which the history of the nineteenth century is treated in this country. The earlier epochs of modern history, down to and including the Revolutionary and Napoleonic wars, receive their due share of attention; but with the battle of Waterloo and the Congress of Vienna our interest in foreign history seems to come to an end. It is as if we regarded the year 1815 as bringing a great historical epoch to a close, but not as being the commencement of a new and equally important period. We in England are badly off for foreign histories in general—where are we to look for an adequate history of France or Germany or Italy or Spain or Russia, written in England for English readers and embodying the results of recent research? If we find, speaking generally, that this lamentable defect exists, it is specially flagrant in regard to the nineteenth century. On general European history during this period the best English work we have is that of Fyffe—an admirable book in its way, but too short to serve as more than an introduction, and gradually becoming antiquated owing to fresh information about the later years of its survey. With regard to separate countries we are still worse off; excepting Mr. Bolton King's 'Union of Italy,' we have nothing worthy of mention beyond manuals and school books, and a few short lives of individual statesmen. This is a reproach to British historical scholarship, and gives food for some disagreeable reflections as to the common sense and political wisdom of a people which, having probably more points of contact with other Powers

than any other nation in the world, yet neglects to acquaint itself with the events and conditions that have made its neighbours what they are.

How far this deficiency of English books on the history of the nineteenth century is the effect, and how far it is the cause, of the neglect of that subject in our schools and colleges, it is difficult to say; but of the neglect I refer to there can, unfortunately, be no doubt. Here in London, where the teaching of history is very poorly endowed, it is a subject of congratulation that its representatives, few as they are in number, appear to spend a fair proportion of their time on nineteenth-century history. In King's College, during the last two years, courses of lectures have been given on English and European history from 1485 to 1870; and at University College the outlines of general history since 1815 have been taught. In the London School of Economics and Political Science, courses of lectures are being given on Modern Economic History with special reference to England (1815–1903), and the Economic Position of the Great Powers (1815–1903); on the Political Position of the Great Powers (1815–1900), on recent Constitutional Law and History, and on Historical and Economic Geography down to recent times, besides various courses on public administration, local government, finance, trade, &c., all bringing these subjects down to our own day. In fact, if a Londoner wishes to learn the history of the last century, he need not leave the capital to find it.

In the University of Manchester, the regulations for the Historical School do not fix any posterior limit either in British or foreign history. This year lectures are being given on the former division of the subject from 1815 to 1901; while the new Honours School of Economics and Politics includes (optionally) the outlines of European (including English) History from 1500 to 1900. Five hours a week are devoted during the present session to the history of the nineteenth century. This contrasts favourably with most academical centres in this country. In the Scottish universities the

professors are little restricted in their choice of subjects; but the regulations do not provide for anything like a complete or thorough curriculum of historical study. At present it appears that British history is taught down to 1837, but foreign history in the nineteenth century not at all. In the University of Wales, the existing regulations do not appear to contemplate the study of history later than 1815. In the University of Dublin, the Professor of Modern History occasionally lectures on nineteenth-century history.

It is at Oxford and Cambridge that we should expect to find, if anywhere in this country, the study of nineteenth-century history pursued with an attention due to its importance. But this, unfortunately, is not the case. At Cambridge, indeed, general European history now forms part of the examination for the Historical Tripos; and, as no posterior limit is fixed, candidates are liable to be asked questions about the most recent times. Still, as only one paper is allotted to each of the three sections—Ancient, Medieval, and Modern—into which General History is divided, and as the nineteenth century forms only one quarter of the last of these sections, it cannot be said that the study of recent history is overdone. It should also be noted that in connection with the newly established Economical Tripos, nineteenth-century history is more or less studied; and that the papers on Economic History, Politics, and International Law set in the Historical Tripos include questions on that period. Courses of lectures on European history during the nineteenth century, or on portions of it, are occasionally delivered to candidates for the Historical Tripos; but there is no regular provision. The difficulties of arranging, in universities like ours, for a proper distribution of lectures over the whole curriculum of historical study are very great; and the last thing I wish to do is to find fault with my old university. But it must be acknowledged that, whether because the scheme of study has outgrown the resources of the university, or from some other cause, there is no adequate instruction at Cambridge in the history of the nineteenth century.

At Oxford, conditions are simpler. In the curriculum of the Final School of Modern History, the line is drawn sharply at 1815 for foreign history,[1] and at 1837 for domestic. After these dates, no knowledge of nineteenth-century history is required of candidates, and no instruction is provided for them. A man may obtain the highest honours in history without having ever heard of Louis Philippe or Napoleon the Third, of Lincoln or Bismarck or Cavour, of the revolution of 1848, the American Civil War, or the making of the German Empire. Special instruction is provided for such students as may take up the final period—down to 1848—set in the Civil Service examinations; but this is only a concession made by the university to the requirements of an external authority.

The limits indicated above were, I believe, fixed more than fifty years ago, when the battle of Waterloo was little further removed in time than the battle of Sedan is now. In the year 1852 it was considered possible to study with profit events which had happened when many, if not most, of the teachers would have been at school. It is not easy to explain why at the commencement of the twentieth century it should be held unprofitable to study anything that happened less than ninety years ago. It has recently been proposed, I understand, to extend the period of foreign history down to 1878; but the proposal was lost. It is possible that if the reformers had restricted their efforts to opening up the study of modern history as far as 1848, they would have been more successful The year 1848 is the limit at present adopted in the Civil Service examinations, and a further extension to 1871 is said to be in contemplation. But the Oxford authorities have hitherto remained firmly conservative, and nineteenth-century history is practically ignored at Oxford. As the Oxford school of history is unquestionably the most productive and the most influential in the kingdom, the

[1] Since the date at which this Address was delivered and put into type, the area of study included in the Honours School of Modern History at Oxford has been extended by the incorporation of the period 1815–1878.

importance of this decision can hardly be overrated. I propose to say a few words to-day on the desirability of taking a wider view.

First, then, what is the practice abroad? Can we learn anything from the views of those nations which pay special attention to education, learning, and research? If we find, as I think we shall find, that the University of Oxford, unique in many things, is also unique in regard to the historical limitation to which I have referred, we shall at least have some *prima facie* ground for questioning the wisdom of that limitation.

In the German universities nineteenth-century history forms a regular element of the academic curriculum. During the present winter-semester courses of lectures on this subject are being given in all the leading German universities.[1] In the universities of Austria-Hungary less attention appears to be paid to the nineteenth century.[2] In Switzerland, on

[1] I take the following items from Ascherson's *Deutscher Universitäts-Kalender*, 1903-4. I have noted professorial lectures only, omitting those of *Privatdozenten*.

University	Professor	Subject
Berlin	Schäfer	'Weltpolitik' in the Nineteenth Century.
,,	Delbrück	'Weltgeschichte,' 1789–1862.
,,	Schiemann	Modern Russia, with special reference to the last thirty years.
,,	Schmitt	French History, 1870–1900.
,,	,,	The Year 1866 (seminar).
Bonn	Bezold	German History, 1850–1870 (seminar).
Göttingen	Lehmann	1848–1850 (seminar).
Halle	Lindner	The German People, to 1871.
,,	Ewald	The Year 1848.
Heidelberg	Marcks	'Weltgeschichte,' 1815–1857.
Jena	Mentz	Modern History of the British Empire.
Kiel	Rodenberg	German History to 1871.
Leipzig	Lamprecht	Eighteenth and Nineteenth Centuries (seminar).
,,	Buchholz	History of Saxony in the Nineteenth Century.
,,	Salomon	The Eastern Question.
Marburg	Ropp	General Constitutional History in the Nineteenth Century.
Munich	Grauert	German History since 1806.
Strassburg	Bresslau	German Constitutional History, 1806–1871.
,,	Meinecke	European History, 1815–1850.

[2] Nevertheless, in Vienna, Pribram lectures on 'Weltgeschichte,' 1789–1830; and Fournier on European History since 1848. Last year Fournier lectured on the Political Ideas of the Nineteenth Century, and on the Reaction 1815–1848.

the contrary, nineteenth-century history is universally taught.[1]

In France a similar practice prevails. M. Émile Boutmy, head of the École Libre des Sciences Politiques, informs me that 'the limit of 1815 has long been overstepped in France in all educational establishments.' The limit in secondary schools appears to be the year 1878, but in schools of higher rank this limit is passed.[2] The courses in the École des Sciences Politiques 'are designed' (says M. Boutmy) 'to give an idea, as complete as possible, of the contemporary world in which our students are called upon to live.' Now it is, of course, obvious that a School of Political Science is not the same thing as a School of History, and that an inquiry into recent and contemporary conditions does not proceed on exactly the same lines as an inquiry into the remoter past. But the difference is mainly a difference in the nature of the evidence examined; the method is the same; the subject-matter is similar; and if the distinguished men who conduct the École des Sciences Politiques are convinced that it is possible to obtain correct notions about political conditions during the last century, it will not be easy to convict them of an absurdity.

With respect to Russia, Professor Vinogradoff informs me that 'the history of the nineteenth century is considered as part of the curriculum.' In the University of Moscow, historical students attend lectures on it in their third year.

[1]

University	Professor	Subject
Bern	Tobler	Swiss History, 1830–1874.
Geneva	Seitz	Universal History, 1815–1848.
,,	de Girard	Economic History of the Nineteenth Century.
Lausanne	Rossier	European History, 1830–1871.
Neuchâtel	Robert	Swiss History, 1830–1848.
Zürich	von Knonau	Modern History since 1852.
,,	Dändliker	Constitutional History of Switzerland, 1798–1904.

School	Professor	Subject
Faculté des Lettres, Paris	Denis	Germany since 1878.
	Andler	German Ideas, 1830–1848.
École des Sciences Politiques	Sorel	Diplomatic History, 1789–1878.
	Leroy-Beaulieu	European History to 1903.
	Edmein	Parliamentary History of France to 1903.

Dr. Vinogradoff himself lectured on the Restoration in France and on the national movement in Germany. 'Indeed' (continues the Professor) 'the necessity for all educated men to have some detailed knowledge of this period is so fully realised [in Russia] that the subject enters into the programme of teaching in the secondary schools.'

In Italy alone, among the leading states of Europe, does the study of nineteenth-century history appear to be neglected. It may well be that the passions roused by the conflicts of the Risorgimento and the struggle over the Temporal Power are still too inflammable to permit the calm and fruitful discussion of those stirring events which led to the making of modern Italy.

In America, however, they do not feel so restricted. Professor J. Franklin Jameson, of Chicago, writes to me: 'I do not believe that there is any [educational] institution in the United States in which the teaching of modern European history stops at 1815. My impression is that none would be found stopping short of 1870, and that most go on to 1900.' Professor C. M. Andrews, of Bryn Mawr, writes: 'Generally speaking, I should say that in the great majority of American colleges American history is brought down to the close of the era of reconstruction, 1874–6, and European history to 1870 or 1878. . . . You may safely say that nineteenth-century history has an accepted place in the American college curriculum.' [1]

[1] The following items are taken from a handbook, entitled *Graduate Courses*, for the year 1897–8, the publication of which has lately ceased. Only lectures on *foreign* history are included. Courses on American history in the nineteenth century are far more numerous; but as the history of the United States only begins in 1776, a comparison based on these might be regarded as unfair.

University	Professor	Subject
Chicago	von Holst	European History since 1815.
,,	Fellows	European History, 1804–1870.
,,	,,	England since 1783.
,,	Judson	Diplomatic History of Europe.
Columbia	Robinson	Prussia and Germany, 1416–1871.
,,	Moore	History of Diplomacy.
,,	Dunning	European History since 1815.
Harvard	Macvane	Continental Europe since 1750.
,,	Coolidge	The Eastern Question.
,,	,,	Recent Diplomatic History of Europe.
Johns Hopkins	Adams	History of the Nineteenth Century.

If, then, the best educated countries in the world are, on the whole, of one mind in insisting on the study of nineteenth-century history, why does Great Britain hang back? I say Great Britain rather than Oxford, because, while the attitude of Oxford is definitely hostile, that of most other academical schools in this country is rarely favourable, and may generally be described as indifferent. It is, at all events, very unlike the attitude of Germany, France, Switzerland, and America. Why should this be so?

Now, I am quite willing to allow that the study of recent history lies under certain disadvantages. I make this concession without prejudice, as the lawyers say; for I should not be prepared to admit that these disadvantages are more serious than those which affect the student of ancient or medieval history. It is said, with some truth no doubt, that we are too near to the events of, say, thirty or even fifty or sixty years ago to see them in their true proportions, to analyse their causes, to measure their full results, and therefore to give them their definite historical position. We are too near to the chief actors to be able to compare them truthfully with the men of the remoter past. Generally speaking, we belong to some party in politics; and our estimate of party leaders is inevitably coloured by party prejudices or political principles. Even if this were not the case, we are without sufficient knowledge of their motives to be able to judge them aright. The secrets of European chanceries, which will ultimately clear up the diplomatic and international history of the last half-century, are not yet unlocked. The secret springs of policy are not exposed; we see apparent reasons for wars and treaties, but not the real reasons. In short, insufficiency of evidence and the

University	Professor	Subject
Michigan	Hudson	Transformation of Europe since 1789.
,,	,,	Present Problems of European Politics.
,,	,,	Russia and the Eastern Question (seminar).
Yale	Wheeler	European History since 1789.

Besides these courses, classed under the head of History, many others, classed under Economics, Sociology, and Political Science, deal with nineteenth-century history.

distortions of prejudice hamper the student of recent history at every step. And the consequence is that the historical narratives of recent periods are few and scanty, and that such as there are take on an unsatisfactory character from the nature of their subject-matter and their surroundings. They are inevitably incomplete, untrustworthy, and one-sided. The want of books is the chief obstacle to the study of the nineteenth century in schools and colleges.

Such appear to be the chief arguments against the introduction of nineteenth-century history into our academic courses; and I am quite willing to allow there is some force in them. But, on the one hand, some of these arguments might be used with almost equal force against earlier periods of history; and, on the other hand, there are advantages in the study of recent affairs which, in my opinion, at least counterbalance the disadvantages. If it be true that our propinquity to the great men and the great events of the preceding generation hinders us from forming a just estimate of them, it is equally true that we can grasp certain aspects of them with a clearness and intensity which inevitably fade away with the lapse of time. A hundred years hence the personal ascendency of Gladstone will hardly be intelligible; and the expressions used regarding Queen Victoria at the time of her death will appear to our great-grandchildren as unreal and absurd—though in reality they were just as genuine—as the similar expressions used about Queen Elizabeth appear to us. Moreover, if it is a disadvantage to be too near, it is an even greater disadvantage to be too far. 'In the dim backward and abysm of time' how many features of the historical landscape disappear! How much is there in the past that remains, and probably will ever remain, unintelligible to us just because we are so far removed from it! Do what we will, it is practically impossible for us to enter into the feelings of the men who lived and acted ten or even five centuries ago; and to be unable to feel with them sufficiently is as great a disadvantage as feeling with them too much.

Again, if it be said that we inevitably regard the men

and the actions of the past two or three generations from the point of view of partisans, this is a condition almost inseparable from any stirring time of human conflict or activity. It may be questioned whether strict neutrality produces the best historians; certainly, as a matter of fact, the best historians have not been neutral—that is to say, they have judged as well as narrated; they have expressed opinions as well as stated evidence; they have drawn conclusions based upon moral or political principles; in short, they have taken sides, as they would have done had they been contemporaries of the men whose actions they describe. Some of the greatest historians have been politicians, men of action, or men of business first, and historians afterwards; such were Thucydides and Polybius and Julius Cæsar; such were also Machiavelli and Commines, Clarendon and Macaulay, Fra Paolo and Napier and Grote. Their active life has not generally been regarded as a disqualification for the tasks which they subsequently undertook. On the other hand, not a few men who have been trained in the strictest schools of historical research have subsequently become politicians, or have given utterance to their political views in definite and decided terms. For examples of such a combination in our own time I need only remind you of Sybel and Mommsen in Germany, and Freeman and Lecky in this country. No one who compares these different types will assert that the historians who have become politicians are more impartial or, if you prefer it, less prejudiced than the politicians who have become historians.

The fact is, that if we entertain strong and definite views about present-day politics we shall hold similar views about the politics of the past; and the converse is equally true. The mere lapse of time will not much abate our sympathies and our repulsions, natural or acquired. It is possible to feel as strongly about Cæsar and Pompey, about Harold and William, about Elizabeth and Mary Stewart, as it is about Gladstone and Disraeli, or Bismarck and Napoleon the Third. On the other hand, the man who endeavours fairly and fully

to arrive at a trustworthy conclusion about ancient times will not be incapacitated by prejudice, however he may be hindered by want of information, from forming a similar conclusion respecting the present.

And this brings me to a distinction which it is very necessary to make, but which is often forgotten in this discussion. The first requisite, the indispensable and essential qualification of an historian, is that he shall aim at truth, that he shall do his best to discover truth by every scientific means in his power, and that he shall in his statement of facts tell the truth, the whole truth, and nothing but the truth. The writer who either carelessly or wilfully, from indolence or from prejudice, fails to do this, is unworthy of the noble name of historian. But this scrupulous care in ascertaining and stating the truth about his facts does not prevent him from passing judgment upon them ; and to pass judgment, to form conclusions, is part of the duty of the historian. If he abdicates this duty, this privilege, he is no historian, but a mere chronicler. The impartiality, then, which it is the bounden duty of a scientific historian to observe is not neutrality ; it consists in scrupulosity of statement, not in abstention from judgment. The just judge is not he who passes no sentence at all, but he who passes a fair sentence on the evidence before him, after sifting it to the utmost of his power.

It follows from all this that, so far as the argument about prejudice goes, ancient or medieval times have no advantage over recent ages. Prejudice is liable to distort and discolour our views of far and near alike ; it is the historian's duty to escape from prejudice, and to hold aloft the example of an unbiassed judgment. An honest man will be scrupulous in the statement of his facts, whether they happened twenty or two hundred years ago ; and, if he is really anxious to free his mind from cant, he will find no difficulty in passing judgment on the nineteenth century which he would not find equally in regard to the ninth.

But, even if it be granted that the study of recent times need suffer no special disadvantage on the score of prejudice,

it is argued that the most honest explorer finds it impossible to ascertain the truth about recent events. He suffers from a lamentable lack of evidence which inevitably destroys the value of his statements and conclusions. Now, we may concede at once that the evidence about much that has recently happened and most persons that have recently lived is defective. But, in the first place, does insufficiency of evidence prevent our inquiring into other historical periods? and, in the second place, is it clear that the evidence already producible respecting the nineteenth century is less abundant in quantity or less trustworthy in quality than that on which our knowledge of earlier centuries depends?

The answer to the first of these questions is clearly in the negative. It is obvious that lack of evidence is no bar to inquiry into antiquity or the middle ages; on the contrary, it might even seem to stimulate inquiry; and conjecture in regard to such periods is only too ready to take the place of proof. How little do we really know of Alfred or of Godwin, of Lanfranc or Thomas, or Simon de Montfort! In the 'dark ages,' whether of early Greece and Rome or of medieval Europe, the historian has to grope his way; and what brilliant and on the whole trustworthy results may be attained by the systematic handling of the scantiest clues, a large part of Mommsen's work is a convincing proof.

But I need not labour this point; the other objection is of more importance. Is the evidence for the last century more or less, in bulk and value, than that for other centuries? In some respects it is less abundant and less valuable; in others it is more so. In many directions we have recent evidence of a kind which fails us altogether in earlier times. To enter into a detailed comparison of modern with earlier ages, from this point of view, would take me too far; but some illustrations may make my meaning clear. To begin with, it is obvious that for quite recent times we have comparatively little documentary evidence touching the motives of international policy, the diplomatic negotiations, the instructions given by Governments to their ambassadors,

the immediate considerations which led to wars or treaties of peace. Similarly, we are still in the dark respecting much that is important in domestic history—the motives of statesmen, the cohesion or ruptures of cabinets, the secret springs of legislation and administration. It may be granted also that we are apt to exaggerate or to minimise the importance of men and events, when the lapse of time has not been long enough to enable us to trace to their final outcome the results of a political change or the influence of a personality upon his age. Under such disadvantages the student of the last century—at least of the last fifty or sixty years—undoubtedly labours.

But in respect of knowledge as to the secret springs of policy, is the student of international history before the sixteenth or the seventeenth century any better off than the student of the nineteenth century? Surely not. The letters, the conversations, the memoirs of statesmen, are published nowadays within no long interval after their death. A vast quantity of authentic and first-hand material is already before us on which we may found a reasoned judgment respecting the leading men and the great events of the nineteenth century. Take, for instance, in Great Britain alone, the lives, speeches, and correspondence of Canning, Sir Robert Peel, Lord Palmerston, Lord John Russell, Cobden, Macaulay, Gladstone, the Prince Consort; the Croker Papers, the Greville Memoirs, the Creevey Papers; the reminiscences of many lesser men. Abroad we find Metternich and Bunsen, Bismarck and Cavour disclosing their thoughts in letters and conversations now given to the world. In France we have an enormous mass of memoirs—Chateaubriand's, Villèle's, Broglie's, and others, and abundant primary records concerning the aims and actions of Thiers and Guizot, of Lamartine and Louis Blanc, of Persigny and Ollivier, and Napoleon the Third. In Italy the disclosures of La Marmora, d'Azeglio, Nigra, Ricasoli, the letters of Mazzini, the memoirs of Minghetti and others throw a flood of light on the Risorgimento. To carry this inquiry further would be

tedious. Enough has been said to show that already we probably know more of the general history of the first sixty or seventy years of the nineteenth century than of any previous historical period. Much is yet hidden, no doubt; but what is still to come will hardly alter the main outlines. Details will be corrected, gaps filled up, but for practical purposes—for the great and really important conclusions—we have already, in most cases, as much light as we need.

In regard to international relations and to the confidential transactions of Governments, we must be content to remain less enlightened for a while, so far as the greater part of the last century is concerned, until the archives of the Foreign Offices and the different departments of state are opened to inspection. But even in this respect the secret history of the earlier part of the century is now, to a large extent, accessible.

In Paris the Archives Nationales are open to public inspection down to the year 1852; those of the Ministry of War—at least partially—to 1848, and by special permission to an even later date; those of the Foreign Office, by permission of a committee (which, it is true, meets only four times a year), to 1830. The Prussian archives—so far as political history is concerned—are divided into (*a*) the Geheimes Staatsarchiv; (*b*) the Königliches Hausarchiv; (*c*) the Kriegsarchiv des grossen Generalstabes. Permission to inspect these is given by the Director-General of the Staatsarchiv, on application (in the case of foreigners) through the respective embassies; and I am told that, at least down to 1840, this permission is easily obtained. In Vienna the Staatsarchiv is open without special permission or restrictions of any sort down to 1830; the permission of the Foreign Office is required for the inspection of documents between 1830 and 1849. For the inspection of documents in the Hofarchiv, the permission of the Ministry of the Interior is required. The regulations, I am told, are interpreted with great liberality.

In St. Petersburg the archives are public only down to 1795, but for later years they may be inspected by special

permission, which no doubt it might be difficult in some cases to obtain. At the Hague the Public (State) Records can be inspected without difficulty down to 1830. At Brussels the rule appears to be similar. At the Vatican, the archives are open only to 1815; and the records of the Italian Foreign Office (which, it must be remembered, can only date from 1860) appear not to be open at all; but the local records at Turin, Florence, Venice, Naples, &c., are fairly accessible.

In our own country the authorities seem to be somewhat less afraid of publicity than elsewhere. Mr. Hall tells me that the Foreign Office papers are open to 1781, and by special permission to 1850; those of the War Office and Admiralty to 1830, and subsequently by permit; while other papers are open under special permission—which is rarely refused—down to a comparatively recent date.

Now the historical importance of state papers, for any period, is doubtless very great. It would be impossible to regard as final and complete a political history of any period for which the state papers bearing upon it have not been laid under contribution. But here we must make a distinction of some importance. In older days, when international policy and even domestic administration were decided—at least in foreign countries—without any intervention on the part of the people, often with little or no attention to their wishes and interests, when, in short, public opinion went for little or nothing, then these state papers are all-important to the comprehension of those departments of history to which they apply. In the nineteenth century, however, these great affairs of state have come more and more to depend—in this country especially, but to a greater or less extent in all states which have adopted a constitutional form of government—on the will of the nation. The policy of ministers is defended or attacked in Parliament or on the platform; treaties and negotiations are published in blue-books and newspapers; a vast amount of material, which a century or two ago would have been kept secret, is now published immediately or after a short interval. The more democratic the state, the more

does the public share in the determination of even its foreign policy, the more does James the First's idea of 'statecraft' as something mysterious and esoteric tend to disappear. On the American Civil War, for instance, or even on the war between the United States and Spain, state papers can throw but little new light. The more autocratic the state, the more important do they become; but enough has been said to show that the history of the latter half of the nineteenth century suffers far less from the want of this documentary evidence than would, under similar conditions, the latter half of the seventeenth or the eighteenth.

On the other hand there is a vast mass of evidence, of various kinds, open to the historian of the nineteenth century, of which the student of earlier epochs is wholly or in part deprived. Think of the position which Domesday Book, that almost unique record of medieval economy, holds among the evidences of the past. It is what we should nowadays call the report of a royal commission of inquiry into the tenures and values of landed estate. What would the historian of society and economics give for such a return bearing on other centuries than the eleventh! But during the last century almost every great act of legislation has been preceded by inquiries of a nature more or less resembling Domesday Book—inquiries into municipal government, into trade, industry and commerce, and countless other subjects; and the reports of royal and parliamentary commissions, with the annual reports presented to various departments of state, form a mass of authentic evidence the like of which no other century can boast. Again, there are the newspapers, containing—as we know too well—much that is false, but a vastly larger proportion of what is true, and giving us a picture of the life of the people, in its myriad-sided activity, such as can be obtained in no previous age. How invaluable would be a report of the debates in the Parliaments of 1264 or 1376 or 1529! In these days we suffer not from a lack, but from a plethora of such reports. Or again, think of the law reports of the present day, as compared

with the year-books of the fourteenth century, or even with the reports of such epoch-making trials as that of Strafford. But I should weary you if I pursued this subject further. Every one can make the comparison for himself. It is clear that, so far as the great bulk of historical inquiry is concerned, the historian of the nineteenth century suffers not from a shortage, but from a superabundance of the needful supplies. I am not, of course, implying that undergraduates should be set to explore the recesses of the Foreign Office or to wade through masses of reports or blue-books, though the study of a few select examples might well be prescribed in the case of recent epochs. It is the teachers I am thinking of in this connection rather than the taught. Young students cannot, in any case, go far in the direction of original research. The point I desire to make is that there is no lack of information for the lecturer.

Yet it is said that the histories of the nineteenth century are inadequate, and unfit to be recommended as guides to our studious youth. Well, I am fain to confess that historians of the rank of Stubbs or Gardiner or Mommsen or Taine have not yet arisen to do for the nineteenth century what those great men and many others have done for earlier times. But is this altogether a disadvantage to the student, to the man who, already acquainted with the best models, wishes to train himself for the difficult task of historical research? I am not sure that such a one is not the better for having to draw his own conclusions instead of finding them already drawn for him by the awe-inspiring authority of a Freeman or a Ranke. He will be less able to cram, but he will be more encouraged to think.

I have already deplored the want of good general histories of nineteenth-century Europe in English. But surely, if the demand for them were encouraged by the universities, the supply would follow, and students would be trained who would be capable of satisfying the need. And, after all, there is really no lack of good general works on the nineteenth century fit for the use of students, even if we are not lighted

on our way by those stars of the first magnitude that have shed their rays upon a remoter past. In this country, to begin with, we have such respectable works as those of Miss Martineau, Molesworth, Pauli, Spencer Walpole, Paul, and J. Franck Bright; for special subjects, persons, or periods we have numerous biographies, memoirs, letters, &c., to some of which I have already referred. Of these, indeed, there is no lack; and, if they sometimes contradict each other, that is no peculiarity of this age. As to the history of France, we have Dareste, Viel-Castel, and Duvergier de Hauranne for the Restoration; Grégoire and Hildebrand, Thureau-Dangin and Louis Blanc for the Monarchy of July; for the Revolution of 1848 there are Louis Blanc, Lamartine, and Victor Pierre; for the Second Empire, Taxile Delord, de la Gorce, and Berton; and, as a general survey, Martin, who takes us down to 1875, and Lavallée who goes to 1876.

For Italy, we have La Farina, with his continuator Zini, Tivaroni, Reuchlin, d'Azeglio; numerous lives, such as those of Cavour by Mazade and Massari, of Victor Emanuel by Godkin, of Mazzini by Bolton King; as well as general works by Probyn, Stillman, the Countess Cesaresco, and Bolton King.

For Germany—Treitschke, Flathe, Biedermann, Sybel, Oncken, with the lives of Bismarck by Hahn and Blum, the reminiscences of Busch, and others.

For Austria-Hungary—Springer.

For Russia—Bernhardi, Rambaud, Morfill, Skrine, and Wallace, exclusive of Russian works.

For Spain and Portugal—not to mention Spanish works, Gust, Hubbard, and Baumgarten.

For the United States—McMaster, von Holst, Woodrow Wilson, Rhodes, and an abundance of biographies and memoirs, of which the 'Life of Lincoln' by Hay and Nicolay is perhaps the chief.

For Europe in general—in English, Dyer (now brought up to date), Fyffe, and Alison Phillips; in French, Debidour

Seignobos, Lavisse, and Rambaud; in German, Gervinus, Stern, Weber.

For international history—Hertslet's 'Map of Europe by Treaty,' and the collections of Martens; many good books, such as Hall's, on International Law; that most valuable work, Freeman's 'Historical Geography,' now accessible in Professor Bury's edition; and excellent Historical Atlases, such as that of Spruner-Menke, and the Oxford Atlas, edited by Dr. R. L. Poole.

Surely, with works such as these before us, it is somewhat absurd to say that there are no books, or that the books which already exist are not fit to be studied by undergraduates. It is true that ignorance of the foreign languages in which the bulk and also many of the best of them are written, will be found by the average British student a serious hindrance to the study of nineteenth-century history; but this is a defect which we must look to our schools to remove. Besides, I am not arguing that nineteenth-century history should be made a compulsory subject in the schools; I am only pleading that it should be recognised as a regular part of the curriculum, optional for those who may desire to take it up for the honours degree.

I have endeavoured to show that the reasons for its exclusion are inadequate, and I need hardly go on to prove at length that its inclusion is, on many grounds, highly desirable. Sir John Seeley—to mention only one great authority—has enforced its claims with a persuasive vigour which I shall not attempt to emulate. As a means of mental training the documents which it provides in such quantity and variety are as useful, in their way, as those of earlier periods. The great events of the last ninety years, the characters that have played their part upon the stage, the vast political, economical, and social changes that have taken place, are not exceeded in importance or interest by those of any other time; while the rapid advance of science, and the consequent growth of mechanical invention, confer a unique character on the nineteenth century, and offer, in their manifold effects on

politics, society, and religion, a fascinating field for historical inquiry.

But, apart from the mental training which, in common with other periods, the study of nineteenth-century history can provide, apart, too, from the characteristics which give it a peculiar interest, it has this paramount claim on our attention, that it forms an indispensable introduction to the political and social problems of the present day. I will not go so far as to say that it supplies a key to unlock the secrets of the future, though Mazzini believed that the verdict of history was the guide to political conduct, and Sybel said that he who knows the whence will also know the whither; but I think few will be found to deny that a knowledge of the recent past is indispensable to one who would understand the conditions of the present. It is only by comprehension of these conditions that our public conduct can be rightly directed and our political aims correctly shaped. It is, then, the duty of every citizen in a self-governing state to make himself acquainted with the history of the recent past; and in an especial degree it is the duty of those who aspire to a place in the government and administration of the empire. The training of our statesmen and our civilians, even of our soldiers, is more and more passing into the hands of our public schools and universities. It would be a subject of regret, even of serious complaint, if those great institutions should decline to give their students full opportunity of fitting themselves, in this important respect, for the main work of their life.

THE ATTEMPTS TO ESTABLISH A BALANCE OF POWER IN EUROPE DURING THE SECOND HALF OF THE SEVENTEENTH CENTURY (1648–1702)

(*Alexander Prize*, 1903)

BY MISS ENID M. G. ROUTH

I

The Thirty Years' War (1618–48).

THE Peace of Westphalia in 1648 put an end to the war which had troubled Europe for thirty years, and which had its origin in the bitter religious hatred, intensified by political jealousy, of the partisans of the Reformation on the one hand, and of the adherents of the Roman Catholic Church on the other.

The Thirty Years' War was in its earlier stages chiefly of German interest, but as it wore to a close its character changed, its interest became European. New countries were involved in the war, new aims appeared; the old religious fervour died out and gradually gave way, as a motive of policy, to the territorial greed, the dynastic ambition, the commercial and maritime jealousy, which were the leading characteristics of the European States in the latter half of the seventeenth century.

Principle of a balance of power.

From these three dominant motives of policy was evolved naturally and inevitably the principle that an equilibrium of power must be established between the States of Europe. It was to the interest of all that none should be supreme, and in the universal recognition of the need for a balance of power lay the only hope of defence against the strongest

States, in an age when no consideration of national interests or of the boundaries set by race, language, or religion was allowed to restrain the personal ambition of the rulers of Europe.

The history of the period following the Peace of Westphalia is filled by the efforts of Austria, Spain, Holland, Brandenburg, and in later years England, to maintain this equilibrium—territorial in the first place, commercial in the second—in face of the restless aggressions of France, while in the north a second group of States, consisting of Sweden, Denmark, Brandenburg, Poland, and Russia, found a nearer interest in the rivalry of Sweden and Brandenburg for supremacy on the Baltic. Before tracing the history of the attempts to check the power of France and Sweden it will be well to look at the relative positions of the principal States of Europe at the beginning of our period.

Condition of Europe in 1648.

Austria

A glance at the map of Europe in 1648 shows an apparent preponderance of the Austrian Habsburgs. The imperial crown, though elective, was practically hereditary in their house; the Emperors Ferdinand III. and Leopold I. were archdukes of Austria and kings of Hungary, they reigned in name throughout Central Europe, but their power was but a shadow of the former greatness of the Habsburgs. There was no bond of union between the dominions under their rule. The Hungarian Protestants, exasperated by religious persecution, were constantly in revolt, the Hungarian question was complicated by the aggressions of the Turks in Hungary, and Hungarians and Turks alike were encouraged to add to the troubles of Austria by the secret intrigues of French diplomatists.[1] The princes of the Holy Roman Empire, though still owing allegiance to the Emperor, had gained a large measure of independence. The treaties of Westphalia instituted for them the right of concluding alliances without the necessity of first obtaining the Emperor's consent[2] The Reformation had counteracted all

and Hungary.

The Empire.

[1] Voltaire, *Siècle de Louis XIV*, ii. 40.

[2] Vast, *Grands Traités du règne de Louis XIV*, i. 65.

tendency to unity under the Emperor, by dividing Germany roughly into two groups of States; the Protestant powers in the north, the Roman Catholic in the south. From this time the policy of the Emperors becomes more and more Austrian, as distinct from German, in its aims; they seek to extend their power in the south and east, while the northern princes, always jealous of Austria, begin to find in the Elector of Brandenburg the real defender of German interests.

Brandenburg, under Frederick William 'the Great Elector,' was rapidly coming to the fore as a power to be reckoned with in Europe. At the Peace of Westphalia, this state had gained Eastern Pomerania, and with it a good foothold on the Baltic. From this time the two cardinal points of the Elector's policy were (1) to maintain the balance of power in the Baltic, and (2) to set free his duchy of Prussia from the suzerainty of Poland. Brandenburg.

The first object of his policy brought the Elector into direct rivalry with Sweden, at this time the greatest power of Northern Europe and the traditional ally of France. Gustavus Adolphus, King of Sweden from 1611 to 1632, had been the champion of the Protestant cause in the Thirty Years' War, and had thus turned Swedish ambition towards Germany. The peace concluded in 1648 gave Sweden considerable possessions in the Empire; *i.e.* Western Pomerania, Stettin, and Bremen, possessions which had great commercial value, but which excited the jealousy of Brandenburg and Denmark. The latter country was one of Sweden's most persistent enemies, and was keenly interested in maintaining the balance of power in the north, where Swedish supremacy was a constant menace to Danish commerce and independence. Sweden. Denmark.

Poland, just past the height of its power, was a prey to misgovernment and civil strife; the elections to the crown provided a field for the diplomatic intrigues of France and Austria, each eager to make her influence supreme; the country was open to attack from Sweden and Brandenburg, while Russia, though still sunk in barbaric apathy and hardly Poland. Russia.

considered in European politics, was pushing her way westward at the expense of Poland, and was soon to become the rival and conqueror of Sweden.

Spain.

In Western Europe, Spain, though still in appearance one of the great powers, had entered on the period of decay which left her at the mercy of Louis XIV.'s ambition. Portugal had asserted her independence in 1640, and was a constant cause of trouble; the Indies and Southern Italy could not be a real source of strength without the command of the sea, which Spain had lost; Franche-Comté and the Netherlands needed protection against France, which Spain could not give. A 'pompous inertia' characterised the government of the last Spanish Habsburg kings, and it was left to the seven United Provinces, of which Holland was the chief, to defend the Low Countries against French ambition.

The United Provinces.

These Provinces, since their emancipation from the tyrannous government of Spain, had built up their importance in Europe on the foundations of commerce.

In spite of the difficulties of government in this loose confederation of mutually jealous sovereign States, and in spite of the dissensions of the two hostile parties, the one supporting the House of Orange, the other fearing the establishment of a monarchy and upholding the burgher oligarchy, John de Witt, the great and peace-loving Grand Pensionary of Holland, made his country one of the most important factors in maintaining the balance of power between France and Spain.

France.

France, under the rule of Mazarin, and later under that of Louis XIV., was the rival of the two branches of the Habsburg dynasty for supremacy in Europe.

The chief aims of her rulers were to prevent the union of Austria and Spain, to extend the frontiers of France to the Scheldt, the Rhine, and the Pyrenees, and to make Paris, in fact as well as in name, 'the heart of France.'[1]

[1] Mazarin to plenipotentiaries at Münster, January 20, 1646. Mignet, *Succession d'Espagne*, i. 178. By the Peace of Westphalia, France gained Metz, Toul, and Verdun, and rights over several imperial cities.

Beyond these practical ambitions, Louis XIV. and Mazarin before him had dreams of seating the king of France on the imperial throne, of winning, by force or fraud, the crown of Spain, and of making France the mistress of Europe.

It was due to these ambitions and the attempts to realise them that the establishment of a balance of power in Western Europe became synonymous with resistance to the aims of France.

The policy of Mazarin forms the prelude to the policy of Louis XIV., which resulted in four concerted efforts to arrest the expansion of France: the Triple Alliance of 1668, the Coalition of 1672 and 1673, the League of Augsburg in 1686, and the Grand Alliance of 1702.

II. 1648–1660

War between France and Spain.

The treaties of 1648 left France and Spain still at war. The inevitable victory of France was delayed by the outbreak of the Fronde, which weakened the government by internal dissensions, injured the prosperity of the country, and put Condé, one of the ablest of French generals, on the side of Spain.

Position of England.

The balance between the two combatants was to some extent held by England, who had been raised by Cromwell to a position of European importance unknown to her in the reigns of the Stuart kings. Cromwell had to choose between France and Spain, who were both eager to secure his support.[1]

Cromwell's policy.

In the light of subsequent events it was seen that England's best means of maintaining the balance would have been a policy of alliance with Holland, support of Spain, and resistance to France, but several reasons induced Cromwell to throw England's weight into the French scale.

Commercial jealousy destroyed all hope of an alliance of the 'Maritime Powers.' The idea entertained by the Long Parliament of uniting England and the Dutch Provinces in one republic[2] was naturally regarded by the latter as a menace

[1] Gardiner, *Commonwealth and Protectorate*, i. 310, 312, and iii. 122.

[2] *Ibid.* i. 322.

to their independence. Their rejection of the proposal of a close alliance [1] was met by a Navigation Act [2] which injured the enormous carrying trade of the 'wagoners of the high seas,' barred their commerce with English colonies, and led to the war which was ended with difficulty by the diplomacy of Cromwell and John de Witt [3] (1652–1654).

Spain, too, was the traditional rival of English commercial and colonial enterprise; her impotence was not fully realised by contemporary statesmen—the prestige of a great name is not lost in a day. Scarcely a century had passed since the days of Charles V.; Europe was still haunted by the fear of a reunion of Spain with the Empire; the return of a Habsburg domination of the Continent still seemed far more probable than the destruction of the balance of power by a boy-king whose country was ruled by a Spanish princess and an Italian cardinal. Moreover, Cromwell's great aim of forming a League of Protestant powers [4] was opposed to a union with Spain, while by a French alliance he hoped to mediate in favour of the French Huguenots, and to sever France from the Stuart cause.

In 1657 6,000 English troops were sent against Spain [5] in return for Mazarin's promise, given in spite of the disapproval of his countrymen,[6] that they should be allowed to occupy the important naval fortresses of Mardyck and Dunkirk.

Policy of Mazarin.

Mazarin, though of foreign origin, was determined to do everything in his power to increase the influence of his adopted country. Having failed in 1648 to obtain the Spanish Netherlands, 'which would be an impregnable bulwark to the city of Paris,' [7] he still hoped to extend the frontiers of France on the side of Germany, 'whence there was also much to be feared.' [8]

Following in Richelieu's footsteps, he developed the policy

[1] Gardiner, *Commonwealth and Protectorate*, i. 329, 330.
[2] *Ibid.* ii. 146.
[3] *Ibid.* ii. 187, and iii. 30 and 61 *seq.*
[4] Frederic Harrison, *Oliver Cromwell*, p. 218.
[5] Firth, *Cromwell*, p. 383.
[6] Mazarin to Colbert, October 23, 1657 (D'Avenal, vol. viii.), Mazarin's letters.
[7] Mignet, i. 178.
[8] *Ibid.* i. 178.

of making France, by bribery and persuasion, the real leader of the German princes, a policy which had an enormous influence on European history in the seventeenth and eighteenth centuries, and formed one of the greatest difficulties in the way of the opponents of France.

Mazarin found ready in his hand the two leagues, Protestant and Catholic, which the Princes of the Empire had made to uphold the treaties of Westphalia.[1] It was the work of his agents to threaten the princes with the 'Spanish spectre' conjured up by the negotiations of the Emperor for a closer union with Spain,[2] and to unite the two leagues under the protection of France.[3] Through them he undermined the power of the Emperor Leopold I., by forcing upon him humiliating conditions, known as the 'Capitulations,' at his election in 1658. Mazarin's intrigues at the Diet of Frankfort[4] to prevent the election of a Habsburg Emperor had been unsuccessful, though he did not spare bribes to the electors,[5] but he had forged a chain of German States in political dependence on France,[6] and had established a precedent for Louis XIV.'s interference in the affairs of the Empire.

League of the Rhine.

Negotiations for peace had been carried on between France and Spain for some years,[7] and in 1657 the Peace of the Pyrenees gave to France the provinces of Roussillon and Cerdagne and a number of fortresses in Flanders, Hainault, and Luxemburg.[8]

Peace of the Pyrenees.

In 1660 the marriage of the Spanish Infanta Maria Theresa to Louis XIV. put the climax to Mazarin's diplomacy. As early as 1646 he had formed the project of this marriage,[9] which ultimately enabled France to aim at the domination of the Spanish Empire, and to destroy the peace of the Continent for nearly half a century.

The Spanish marriage.

The Spanish Court was averse to the marriage, for the Infanta was still heiress to the throne, and Philip IV. feared

[1] Mignet, ii. 13 (1651). [2] Vast, i. 67.
[3] Mazarin to Terlon, D'Avenal, viii. 295. [4] Vast, i. 67.
[5] Vehse, *Memoirs of House of Austria*, i. 421, 422. [6] Mignet, ii. 19.
[7] Vast, i. 79. [8] *Ibid.* i. 79 *seq.* [9] Mignet, i. 178.

the forcible union of his crown with that of France. That these fears were not unfounded is proved by Mazarin's own words: 'L'infante étant mariée à S.M. nous pourrions arriver à la succession d'Espagne, *quelques renonciations qu'on lui fît faire.*' Every care was taken by the Spaniards in the wording of the treaty.[1] A special clause was introduced for the protection of the Netherlands, stipulating that the Infanta and her heirs should be 'pour jamais exclus de pouvoir succéder en aucun temps ni en aucun cas ès Etats du Pays de Flandres.'[2] But the French diplomatists used equal care to make the Infanta's renunciations of her right to the crown ambiguous. Her engagements were qualified by the fatal words introduced by de Lionne, 'moyennant le payement effectif . . . des 500,000 écus,'[3] and the failure of Spain to pay this sum was made the excuse for all Louis's later attempts on the Spanish throne.

The northern war.

Meanwhile the warlike king of Sweden, Charles X., was exciting the jealousy of the Northern States by his designs against the Baltic provinces of Poland and Brandenburg.[4]

John Casimir, king of Poland, gave him a welcome excuse for invading that country by asserting his right to the Swedish crown,[5] unwisely provoking war in spite of the Cossack revolt which was sapping the strength of Poland.

The Great Elector.

The Elector of Brandenburg had perhaps the greatest cause to fear Swedish aggressions. He did not succeed in freeing Eastern Pomerania from Swedish troops until 1653,[6] and in the war between Charles X. and the Poles he was forced to allow a free passage through that province to the Swedes. In 1655 his fear of Sweden overcame his dislike of the democratic party in Holland,[7] and he made overtures of alliance to de Witt, which were well received.[8] The interest taken by Holland and England in the northern rivalry was occasioned by their trade in the Baltic. From its shores they obtained corn, and wood for shipbuilding. The Dutch

England, Holland, and the northern war.

[1] Vast, i. 93 *seq.* [2] *Ibid.* i. 183. [3] *Ibid.* i. 179.
[4] Dyer, *Modern Europe*, iii. 39. [5] Morfill, *Story of Poland*, p. 145.
[6] Tuttle, *Hist. of Prussia*, i. 171.
[7] Lefèvre Pontalis, *Jean de Witt*, vol. i. ch. iv. [8] *Ibid.*

had more than 500 merchant ships engaged in this transport business,[1] and were alarmed by the news of Charles X.'s triumphant progress in Poland.[2] 'To see the king of Sweden master of the horizon is one of the greatest dangers to this State,' wrote de Witt;[3] and even Cromwell, though influenced by a great admiration for Charles X.,[4] was unwilling to see him master of the Baltic, and broke off the negotiations begun by him in 1655.

The Great Elector was soon forced to come to terms with the victorious Swedes,[5] and throughout the war he made treaties first with Sweden,[6] then with Poland,[7] exacting from each in turn as the price of his alliance the recognition of his sovereignty in the duchy of Prussia, breaking faith with both without hesitation, and under seeming inconsistency pursuing the interests of his country with an unscrupulous patriotism worthy of Frederick the Great.

Coalition against Sweden.

In 1657 Charles X. had by his ambition put Russia, Poland, Denmark, and Austria in arms against himself, and his famous invasion of Denmark across the barely frozen Belt[8] only made Europe the more determined to check the conquests of the 'Alexander of the North.'[9] Even the French, who in 1679 defended Sweden against Brandenburg, were unwilling to see the German princes brought under her sway,[10] and helped to negotiate the Peace of Roskilde between Sweden and Denmark in 1658.[11] The war, however, was renewed until 1660, when, after the death of Charles X., the treaties of Oliva,[12] Copenhagen,[13] and Kardis[14] restored peace in the north.

Treaty of Oliva.

[1] Lefèvre Pontalis, *ibid.*
[2] 1655 and 1656.
[3] Pontalis, vol. i. ch. iv.
[4] Firth, *Cromwell*, pp. 380, 381.
[5] Treaty of Königsberg, January 1656.
[6] Treaty of Marienburg, June 15, and of Labiau, November 20, 1656.
[7] Treaty of Wehlau, September 19, 1657.
[8] Nisbet Bain, *Charles XII.*, and Tuttle, i. 183.
[9] Wakeman, *Ascendency of France*, p. 183.
[10] Mazarin to Terlon, February 1658, D'Avenal, viii.
[11] *Ibid.*
[12] May 3, 1660, between Sweden, Polan , and Brandenburg.
[13] June 16, 1660, between Sweden and Denmark.
[14] July 1661, between Sweden and Russia.

Sweden had indeed gained the Danish possessions on the Scandinavian peninsula, but she was now left to the misgovernment of a regency, during which she became a mercenary in the pay of France, while the Great Elector, inaccessible to bribery,[1] devoted himself to laying the foundations of a political constitution [2] and building up an army which could defend the independence of his country and help him to prevent the Gallicising of Germany.

III. 1660–1668

Changes in European sovereigns.

The years 1660 and 1661 saw the opening of a new epoch in Europe. England exchanged the rule of Cromwell for that of Charles II., whose policy of alliance with France, dictated by his need of French subsidies, was opposed to the wishes of his people.

Louis XIV., after the death of Mazarin, took the reins of government into his own hands, and in 1665 the death of Philip IV. left the crown of Spain to his son Charles II., a feeble child who could hardly be expected to survive boyhood,[3] and in whose reign Spain fell into a hopeless state of decline and financial difficulty.

Louis XIV. and the United Provinces.

The chief interest of the first few years after Louis's accession to power centres round the efforts of John de Witt to maintain the existing territorial equilibrium against the aggressions of France. 'Gallum amicum non vicinum' was his motto;[4] but Louis was determined to make himself a near neighbour of the Dutch at the cost of their friendship, despising the policy that saw in the little Maritime States the natural and useful ally of France,[5] an ally with whose aid he might have struck a dangerous blow at the naval and commercial power of England.

Negotiations concerning the Low Countries.

Louis's designs on the Spanish Netherlands soon became suspected by de Witt, and it was in the hope of preventing

[1] Mignet, iv. 95. [2] Cavaignac, *Formation de la Prusse Contemporaine.*
[3] D'Embrun to Lionne, November 5, 1665; Mignet, i. 402.
[4] Pontalis, i. ch. v. [5] Voltaire, *Siècle de Louis XIV*, i. 387.

the total acquisition of these provinces by France that he reverted to the plan of Richelieu [1] and proposed to the French ambassador the formation of a republic on the model of the Swiss cantons,[2] to act as a buffer State between France and the United Provinces. Louis received this proposal with apparent pleasure,[3] partly with a view to blinding the Dutch, his nominal allies,[4] as to his real intentions, and partly in the hope of getting from Spain, 'in payment of the Queen's dowry, that which (*i.e.* the Netherlands) they would see they could not save.'

Proposal of cantonment.

A few weeks later, however, de Witt had occasion to fear an alliance between Spain and Austria,[5] and at the same time the Spaniards were urging upon him a league of the United and Spanish Netherlands with Spain.[6] This fear of a reappearance of the Austro-Spanish phantom led him to make greater concessions to Louis, and he proposed the partition of the Spanish Netherlands between Holland and France;[7] but Louis, though continuing the negotiations, was now evolving his famous theory concerning the 'Law of Devolution.' This law was a local custom of Brabant, by which private landed property passed to the daughters of a first marriage in preference to the sons of a second. Louis eagerly seized the principle to apply it to the sovereignty of the Low Countries, claiming, in defiance of the marriage treaty of 1660, that they rightfully belonged to his wife, Maria Theresa, and not to her half-brother, Charles II. of Spain.

Law of Devolution.

Louis's determination to annex the Netherlands was held in check for a time by the war in which the Dutch became engaged with England in 1665, consequent on quarrels of naval etiquette and trading privileges. The situation of the Dutch was made more perilous by the alliance of England

Anglo-Dutch war (1665-1667).

[1] Mignet, i. 174 and 176.
[2] *Ibid.* p. 183, d'Estrades to Louis XIV. March 30, 1663.
[3] Mignet, i. 186, Louis to d'Estrades, April 6, 1663.
[4] By the treaty of Paris, 1662.
[5] Mignet, i. 200, d'Estrades to Louis XIV. May 10, 1663.
[6] *Ibid.* i. 212, d'Estrades to Louis XIV. July 26, 1663.
[7] *Ibid.*

with the warlike and notorious Bishop of Münster,[1] who had a quarrel of his own with his Dutch neighbours. In this predicament the Dutch appealed to their secret enemy, but ostensible ally, Louis XIV., who was bound by treaty to send them help.

It was no part of Louis's policy, however, to alienate England entirely,[2] or to allow her to arrange a truce between Portugal and Spain with a view to an Anglo-Spanish alliance.[3] He did indeed declare war against England,[4] but merely sent a few troops against the Bishop of Münster. Louis was determined to make the war serve his own ends. 'Sous prétexte de la guerre,' he wrote in his memoirs,[5] 'je travaillerais de toute part à nouer des intelligences, et à mettre sur pied des forces capables d'exécuter tout ce que je voudrais entreprendre ailleurs.' Louis's great object was to keep a clear field for his approaching invasion of the Netherlands.

Louis's preparations for the War of Devolution against Spain.

It was obviously to the Emperor's interest to unite with Spain and the Dutch against his aggressions; Louis accordingly strengthened the League of the Rhine[6] in order to coerce Leopold into neutrality in the coming war,[7] making secret conventions with the rulers of Neuburg,[8] Cologne,[9] and Münster,[10] who, in consideration of large subsidies, consented to oppose the passage of Imperial troops through their lands to the Low Countries. The neutrality of Brandenburg was bought by Louis's promise to withdraw his support from Condé, the French candidate for the crown of Poland This promise, however, was soon broken.[11]

In the Empire.

Louis meanwhile made overtures of friendship to Spain, not with any purpose of concluding the alliance he proposed [12]

In Spain.

[1] Temple, *Works*, i. 231, Sir W. Temple to Sir J. Temple.
[2] Mignet, i. 415, Louis to d'Estrades.
[3] *Ibid.* i. 421 (cited from *Arlington Letters*, ii. 205).
[4] January 1666. [5] Mignet, i. 426 (*Mémoires de Louis XIV*, ii. 6).
[6] Renewed 1663 and 1664. [7] Mignet, i. 479.
[8] *Ibid.* ii. 27, August 12, 1666. [9] *Ibid.* ii. 28, October 22, 1666.
[10] *Ibid.* ii. 35, May 4, 1667.
[11] Despatches of William Perwich, p. 7, Perwich to Sir J. Williamson, May 1, 1669 (printed from *State Papers*, France, Record Office).
[12] Mignet, i. 468, Louis to d'Embrun, May 30, 1666.

against Portugal and England, but merely as a means of calming Spanish suspicion and preventing an understanding between England and Spain.

In Portugal.

While Louis was working to foil English diplomacy at Madrid,[1] by offering help against Portugal, his envoy to Lisbon, M. de St. Romain, was offering help to Portugal itself against Spain,[2] in spite of the treaty of the Pyrenees, and successfully concluded an alliance with the Portuguese in 1667.[3]

Position of the Dutch.

The French alliance, though of no practical help to the Dutch in the naval war,[4] added to their prestige in Europe, and may have contributed indirectly to their alliance with Denmark and Brandenburg, and the Princes of Brunswick-Lüneburg in 1666, which forced the Bishop of Münster to make peace in spite of the arguments of Sir William Temple, who was sent to persuade him to continue the war.[5]

War of Devolution, 1667.

The Dutch, however, could put no confidence in an ally who was making secret agreements with their English enemy,[6] and their consternation was extreme[7] when in May 1667 Louis undertook a 'journey' into the Netherlands on behalf of his queen 'to try to take possession of that which is usurped from us.'[8]

Louis was accompanied by Turenne and by Vauban, the greatest engineer of his age; every preparation was made to ensure success; fortress after fortress fell almost without resistance, the French marched triumphantly through Flanders, and the Dutch were 'so amazed with the numbers and bravery of the French preparations to invade this country' that they could 'hardly lift up their eyes against the rising of this sun, that, it is said, intends to burn up all before it.'[9]

[1] Mignet, i. 433.
[2] *Ibid.* i. 427 and 476, Lionne to d'Embrun, March 14, 1666; Lionne to St. Romain, May 30.
[3] *Ibid.* i. 543.
[4] Pontalis, i. 368.
[5] Temple, *Works*, i. 262–272.
[6] January 1667.
[7] Pontalis, i. 426, and Mignet, ii. 484.
[8] Mignet, ii. 58, Louis XIV. to Queen Regent of Spain, May 8, 1667.
[9] Temple to Lord St. Albans, May 13, 1667, i. 287.

Castel Rodrigo and Spain.

Castel Rodrigo, governor of the Netherlands, had in vain tried to rouse the Spaniards from the state of listless idleness into which they had fallen. 'I implore your Majesty,' he wrote to the Queen Regent, 'if there is still time, to consider the perils of the situation, for it is a question of nothing less than the complete ruin of the Spanish monarchy.'[1] His efforts to win help from Leopold were equally fruitless;[2] Louis held the Emperor between the Princes of the Empire and the Hungarians and Turks.[3] De Witt felt that he must depend on his own efforts. The keynote of his policy was conciliation. 'To abandon Spain is to make a present to France of the Low Countries,' he wrote; 'to be alone in supporting her is madness. There is then nothing to propose but conciliation.'[4]

Conciliation was, however, of little use; Louis would not renounce his claim to the Low Countries, 'not wishing to dig ditches which he would afterwards have to cross.'[5]

Peace of Breda, 1667.

De Witt therefore bent all his energies to forcing on a peace with England. His policy was furthered by the wishes of the English people, who, tired of war, and discouraged by the successive disasters of the plague, the fire of London, and Ruyter's invasion of the Medway, forced Charles to accede to the Peace of Breda in 1667.

The English were now looking with anxiety on Louis's aggressions. 'Their jealousy is terrible,' wrote Ruvigny, 'and their minds so full of those old maxims that the weaker of the two powers must be supported, by maintaining the balance between France and Spain, that it is to be feared that their general wish is to help the Spaniards.'[6]

While Charles and Louis were secretly discussing the

[1] Mignet, ii. 54, Castel Rodrigo to Queen of Spain, March 16, 1667.

[2] *Ibid.* ii. 173, Grémonville to Louis XIV.

[3] Perwich to Lord Arlington, November 2, 1669, *Perwich Papers*, p. 40, and Louis to Grémonville, May 13, 1667, Mignet, ii. 147.

[4] Pontalis, i. ch. vii., de Witt to Meerman and Boreel, 1668.

[5] *Ibid.* i. ch. vii., Louis to d'Estrades, September 27, 1667, and Mignet, ii. 493.

[6] Mignet, ii. 514, Ruvigny to de Lionne, September 19, 1667.

possibility of an alliance against the Dutch,[1] an important negotiation was in progress at the Hague between de Witt, Sir William Temple, and Count Dohna, the Swedish ambassador.

The Triple Alliance concluded in 1668 between the United Provinces, England, and Sweden[2] was the first definite expression of a general desire to 'maintain the balance between France and Spain.' It was the greatest triumph of de Witt's diplomacy, and had his allies been trustworthy, it might have proved an effectual check to Louis's ambition. The Triple Alliance, 1668.

The avowed object of the alliance was to mediate between France and Spain. The latter country was to be induced, by force if necessary, to accept the French king's terms, while Louis was to be restrained from further conquests in the Low Countries. By a secret article the allied powers agreed to make war on Louis if their conditions were refused.

This alliance, together with the reconciliation of Spain and Portugal by Lord Arlington,[3] inclined France to end the war. Spain, indignant at the dictation of terms by a once despised and rebel State, refused for a time to agree, but the invasion of Franche-Comté by France[4] hastened the peace, which was concluded at Aix-la-Chapelle in February 1668. Peace of Aix-la-Chapelle, 1668.

More than one motive determined Louis to accept the peace. He gained no small advantage in the line of fortresses on his north-east frontier given him by the treaty, though he was obliged by it to abandon Franche-Comté; he saw the necessity of allaying the suspicion of Europe, and the good policy of acquiring a reputation for moderation.[5] Besides these reasons he had hopes of obtaining more by diplomacy than by immediate war. Four days before the conclusion of the Triple Alliance he had made the first of those 'Partition Treaties' which were the typical outcome of seventeenth-century diplomacy. The first Partition Treaty.

[1] Mignet, ii. 519–546.
[2] Temple to Arlington, January 24, 1668; Temple, i. 314–325.
[3] Mignet, ii. 577, February 13, 1668.
[4] *Ibid.* ii. 606–608, 1668.
[5] *Ibid.* ii. 622 (*Mémoires de Louis XIV*, 360–370).

By this treaty,[1] the Emperor and the King of France agreed to divide between them the possessions of the Spanish monarchy, in the event of the death of the little King of Spain without direct heirs. But Louis, though this arrangement assigned to him both the Netherlands and Franche-Comté, besides Sicily and Naples,[2] was not inclined to wait patiently for an event which, constantly expected though it was, might be long deferred.

Louis's hostility to the Dutch.

The resistance of the Dutch to his plans had wounded his vanity, and filled him with a determination to crush the despised nation of traders which had dared to bar his path.[3]

The history of the next four years is filled with Louis's carefully laid plans to isolate the Dutch and to prepare for their complete ruin.

IV. 1668–1672

Louis XIV.'s attempts to undo the Triple Alliance.

Louis's first concern was to outmanœuvre the efforts made by de Witt to attach the Emperor to the Triple Alliance 'in order that he might bring with him the princes of Germany.'[4] 'It is of the highest importance for the good of my service to prevent the entrance of the Emperor into the Triple Alliance,' wrote Louis to de Grémonville,[5] his ambassador to Vienna, a man well fitted for the task confided to him.

At Vienna.

De Grémonville fought an unceasing diplomatic battle with the Spanish ambassador in Vienna.[6] He persuaded the ever-wavering Leopold that he had less to gain by friendship with Spain than by confidence in the traditional enemy who was working against him in the Empire and in Hungary. He

[1] Mignet, ii. 441, January 19, 1666.

[2] Legrelle, *Succession d'Espagne*, i. 144, and i. 518, *seq.* (terms of treaty).

[3] Pontalis, ii. ch. ix., de Lionnne to Pomponne, April 19, 1669 ('Il n'appartient pas à des marchands qui sont eux-mêmes des usurpateurs de décider souverainement des intérêts des deux plus grandes monarchies de la chrétienté'). Perwich to Arlington, January 4, 1670; Perwich, p. 56.

[4] Pontalis, ii. ch. ix., de Witt to Boreel, March 30, 1670.

[5] Mignet, iii. 408, Louis to Grémonville, January 21, 1669, and *Perwich Papers*, p. 21, Perwich to Arlington, July 3, 1669.

[6] Mignet, iii. 480, Grémonville to Louis, July 1670.

induced the Emperor to give up the cause of the Duke of Lorraine, which both interest and honour urged him to uphold, and led him to promise his neutrality whenever Louis should see fit to take his revenge on the Dutch Provinces.[1]

It was not only at Vienna that Louis intrigued against his so-called allies. No sooner had the Triple Alliance been signed than Charles II. of England made known his personal willingness to betray his Dutch allies,[2] and himself disclosed the secret articles of the treaty to the French king. In England.

Against the secret policy of Charles II. the Dutch Ambassador Van Beuningen could make no headway. Charles was unwilling to admit the Emperor to the Triple Alliance,[3] even when, alarmed by Louis's invasion of Lorraine,[4] he seemed disposed to enter it, and in 1670 the English king put the seal to his treachery by signing the secret treaty of Dover with France. Treaty of Dover, 1670.

This treaty, brought about through the agency of Henrietta, Duchess of Orleans,[5] sister of Charles and sister-in-law of Louis, bound England to help France in the next Dutch war.

Charles, finding the French king an easier creditor than the English Parliament, consented to follow French rather than English policy. His conversion to the Roman Catholic faith and his hostility to the Dutch were to be bought by large sums of money and a share in the Dutch spoils at the end of the war. The intrigues of the French ambassador in Sweden detached that country also from the Dutch, who could not be persuaded by the Grand Pensionary to sacrifice enough money to bribe the mercenary Swedish Government to fidelity.[6] 'The Swedes must have money, and whoever gives it them will win their allegiance,' wrote de Groot.[7] Sweden.

[1] Mignet, iii. 551, treaty of November 1, 1671, clause iii.
[2] *Ibid.* iii. 9, Ruvigny to Louis, April 23, 1668.
[3] Baschet, Transcripts from Paris, R. O., xxxv. 3 and xxxv. 8 (Colbert to Louis).
[4] Perwich to Williamson, September 4, 1670, Perwich, p. 108.
[5] Baillon, *Henriette Anne d'Angleterre*, p. 396.
[6] Pontalis, ii. ch. ix., de Witt to de Groot, October 30, 1670.
[7] *Ibid.* ii. ch. ix., to de Witt, July 31, 1668.

'France is much wiser,' he wrote later; 'she gives everywhere and buys everywhere that which she cannot conquer.' The delay of Spain to pay the subsidies promised to the Swedes by the treaty of the Hague[1]—a delay said to have been encouraged by the French themselves[2]—led Sweden to throw in her lot with France in 1672.

In the meanwhile Louis had made separate alliances with Bavaria, Cologne, Hanover, and other German States. Almost his only failure was with the Elector of Brandenburg, whose value as an ally was fully appreciated by the French.[3]

Louis XIV. and the Dutch.

The stability of the Dutch Government was undermined by the growing power of the Orange party, which was supported by Louis's ambassador.[4] The fear of this party led de Witt to consent to a dangerous diminution of the means of defence, lest the Prince of Orange should find himself the leader of a strong military force, and attempt the overthrow of the Republican party as his father had done before him.

While de Witt hesitated between conciliation and defence, Colbert, ignoring the protests of the Dutch, took measures to ruin the commerce on which their prosperity depended,[5] and Louis made extensive preparations for war.[6]

His movements on the frontier alarmed the Dutch, who induced the Spanish Government to sign a treaty of alliance with them, but Spain intended only to encourage the Dutch to defend the Low Countries, and to give them a nominal support, 'lest in despair they should come to an agreement with Louis XIV. at Spain's expense.'[7]

The States General made one more attempt at concilia-

[1] Baschet, Transcripts, xxxv. 3 (Colbert, June 1, 1671).

[2] Perwich to Arlington, pp. 54 and 58, January 1670; Perwich to Arlington, p. 216, May 14, 1672.

[3] Baschet, Transcripts, xxxv. 7 (Colbert, January 12, 1671). Vast, ii. 26 Lionne to Louis, October 1, 1669. Perwich to Arlington, November 2, 1669, Perwich, p. 39. Perwich to Arlington, February 27, 1672, Perwich, p. 200.

[4] Mignet, iii. 565 *seq.*, Corresp. of Pomponne and Louis.

[5] Perwich to Williamson and Arlington, Perwich, pp. 120, 122, &c.

[6] *Ibid. passim.*

[7] Mignet, iii. 685, Villars to Louis XIV., March 16, 1672.

tion, and wrote anxiously to Louis, humbly hoping that his preparations were not made against 'his most ancient and faithful allies,'[1] but Louis's only reply was that he would make of his armaments 'l'usage que nous estimerons convenable à notre dignité, dont nous ne devons compte à personne.'[2]

V. 1672–1678.

The war against the Dutch was begun by England and France in 1672. 'No clap of thunder in a fair frosty day could more astonish the world than our declaration of war against Holland,' wrote Temple.[3] 'The Dutch had made no provision for their defence either at home or abroad . . . the States were in disorder and irresolute what to do, the troops were without a general, and, what is worse, without heart.' The Dutch war, 1672.

The well-drilled French troops, commanded by two brilliant generals, Condé and Turenne, and accompanied by Louis himself, marched triumphantly through the Low Countries. They turned the position of the Prince of Orange, crossed the Rhine, and threatened Amsterdam, the key of Holland. Resistance seemed useless. The Dutch resorted to the desperate measure of cutting the dykes and allowing their country to be inundated by the sea. At de Witt's instance they offered Louis advantageous terms of peace, but the king, bent on conquest and prompted by Louvois, demanded concessions which, had they been granted, would have placed Holland in a position of complete subservience to France.[4]

In this crisis all eyes turned to the young Prince of Orange as the only hope of his country. The populace rose in fury and murdered John de Witt and his brother, accusing the Grand Pensionary of causing the disasters he had worked so strenuously to avert, and William of Orange, at the head William of Orange.

[1] Mignet, iii. 657, States General to Louis XIV., December 10, 1671. Perwich to Arlington, December 1671, Perwich, p. 169.

[2] Louis to States General, January 6, 1672, Mignet, iii. 661.

[3] Temple, *Works*, ii. 255.

[4] Mignet, iv. 33–35.

of the government as Stadtholder, and of the forces by land and sea as captain and admiral general, took up the work, and more than the work, of John de Witt, and became henceforward the life and soul of the resistance to France which was now seen to be necessary for the safety of Europe.

Mistakes of the French.

He was helped at first more by the mistakes of his enemy than by any success of his own. Louis XIV. was always apt to underestimate the vital importance of keeping command of the sea, and English sailors complained that the failure of the French fleet to give them adequate support enabled Ruyter to protect the shores of Holland.[1] In neglecting to make a bold move on Amsterdam, and in dispersing his troops throughout the country to garrison the fortresses he had taken, Louis violated two fundamental rules of military strategy, rapidity of movement and concentration,[2] and lost a good chance of conquering Holland.

William of Orange, turning to the rest of Europe, found Louis's work of four years already partly undone.

Anxiety in Europe.

Austria and Brandenburg were anxiously watching the French advance,[3] fearing lest Louis, having overrun Holland, should be in a position to extend his conquests into the Empire itself.

The Elector of Brandenburg, always hostile to France, was the first to move. In the spring of 1672 he made a treaty of alliance with the Dutch,[4] and in June and July negotiations were set on foot, through the Prince of Anhalt, between Brandenburg and the Empire,[5] arranging a 'rendezvous with Saxony, the two princes of Brunswick and some others which have not declared themselfes yett,'[6] who were 'of opinion y^{t} . . . it shall not be improbable y^{t} y^{e} Spaniards should take off y^{e} maske and declaire themselves alsoe.'

[1] Reresby, *Memoirs*, p. 86. Mahan, *Influence of Sea Power upon History*.

[2] Hamley, *Art and Operations of War*, *passim*.

[3] Perwich to Arlington, April 2, 1672; Perwich, p. 211.

[4] Mignet, iii. 694 and iv. 76.

[5] Mignet, iv. 78, Grémonville to Louis, June 13, 1672, and *State Papers*, Germany (Empire), xiii. 237.

[6] Perwich, p. 243, October 12, 1672; *State Papers*, Germany (Empire), xiii. 237.

Leopold I. was swayed this way and that by the arguments of the two parties at his court. The English ambassador, who was at that time trying to negotiate a marriage between the Duke of York and the Emperor's sister,[1] came to an understanding with Lobkowitz, the leader of the French party,[2] regarding the policy to be promoted. 'With these Imperial Ministers I believe I shall have no difficulty,' he wrote,[3] 'unlesse it should arise some upon y^e^ matter of y^e^ Lorrain.' Leopold, however, alarmed by the French campaign on the Rhine, broke his engagements with France, and signed treaties with Brandenburg and the States General.[4]

Coalition against France, 1672

French negotiations at Berlin to neutralise the treaty were unavailing for a time,[5] but military pressure succeeded where diplomacy failed.

Turenne's ceaseless activity kept the allied forces of Austria and Brandenburg in check, preventing their union with William of Orange, who could gain no success against the French under Luxemburg. Austria was but a half-hearted ally,[6] the Bishops of Cologne and Münster were closely allied with France, the Elector's own territory was invaded, and he was forced to make a treaty of neutrality with Louis at Vossen in April 1673.[7]

The Court of Vienna was reported to be 'not a little surprised at y^e^ resolucon of y^e^ Elector of Brandenburg for his agree^mt^ with his most Xtian Maj^ty^ . . . to desiste from assisting y^e^ Hollanders.'[8]

The coalition had apparently failed to establish the balance of power which was its aim, the French arms seemed invincible, but the very successes of France added to her

[1] *State Papers*, Germany (Empire), xiii. 269, *seq.* (and Baschet's Transcripts, xxxv. 314).

[2] *Ibid.* xiii. 266. [3] *Ibid.* xiii. 244.

[4] Treaty of Berlin, July 13, and of the Hague, July 28; Mignet, iv. 88 and 89.

[5] Vauguyon to Pomponne, August 7, 1672; Mignet, iv. 93.

[6] *State Papers*, Empire, xiii. 237.

[7] Perwich to Arlington, p. 244, and Mignet, iv. 135.

[8] *State Papers*, Germany (Empire), xiii. 357, May 25, 1673.

difficulties by rousing the European States to a sense of their danger.[1]

The Swedes themselves, the allies of France, were unwilling to see the complete destruction of the Dutch, which would leave England mistress of the commerce of the north,[2] and under their mediation a congress was opened at Cologne to discuss the possibility of peace (June 1673).

But Spain was now eager, though unprepared, for war. 'The Spaniards ayme at nothing else but a breach, if they could compasse it with an universall engagement,' wrote the English ambassador from Vienna.[3] 'The Spanish ambassador continueth here his instances to his Imperiall Maj^{ty} for to give him $\frac{me}{30}$ men, and offers great summes of money . . . but I certainly believe y^{t} here nothing shall be resolued until y^{e} arrivall of y^{e} money, w^{ch} are not yett come and it is unknown y^{e} time when they shall come.'[4] The news of 'a kind of a rupture between Franse and Spaine,'[5] and of Louis's movements in Flanders,[6] renewed the discussion of military preparations between Austria, Spain, and Lorraine, and though the capture of Maestricht 'somewhat cooled y^{e} resolucon'' of the Austrian Court,[7] a Dutch envoy was well received at Vienna.[8] De Grémonville could not maintain his influence, though he made 'high protestations' to the Austrian ministers, and 'was with y^{e} Emperor alsoe, declaring y^{t} if he shall send troops abroad for to succour y^{e} Flanders, there shall be nothing y^{t} y^{e} King should not doe against y^{e} House of Austria.'[9] Leopold demanded the evacuation of Germany by the French, the restitution of Lorraine, and satisfaction to Spain and Holland.[10] When his terms were rejected, the Emperor, with Spain and the Duke of Lorraine, made a 'Grand Alliance' at the Hague with the Dutch. Holland, at the instance of William of Orange, re-

Grand Alliance, August 30, 1673.

[1] *State Papers* (Empire), xiii. 21, June 8, 1673.

[2] *Ibid.* xiii. 357; Mignet iv. 139, Courtin to Louis XIV., September and October 1672.

[3] *Ibid.* xiii. 322.

[4] *Ibid.* pp. 357 (and 359).

[5] *Ibid.* p. 19.

[6] *Ibid.* p. 21.

[7] *Ibid.* p. 39.

[8] *Ibid.* p. 60.

[9] *Ibid.* Perwich to Arlington, 245, May 31, 1673.

[10] Grémonville to Louis XIV., July 17, 1673; Mignet, iv. 189.

jected the terms offered by France,[1] and in March 1674 the Congress of Cologne was brought to an abrupt end by the arrest of Count Furstemburg, a partisan of Louis XIV., by the Emperor. His detention became one of the most troublesome obstacles in the way of peace.[2]

In the same year a severe blow was struck at French diplomacy by the defection of England. Charles II. was induced to make peace with Holland by the hope of winning approval, and in consequence money, from Parliament. Ruvigny, the French ambassador, knowing the king's French sympathies, was taken by surprise,[3] and wrote to Louis: 'Je ne puis attribuer cette conduite qu'à la disposition où sont présentement les esprits des peuples.'

England makes peace with Holland.

Charles was now anxious to mediate a peace,[4] as the best means of maintaining his dignity in face of his desertion of France. He still professed warm friendship for Louis,[5] and treated with him for subsidies[6] in return for promises to prorogue Parliament, always hostile to France. In 1677, however, the Prince of Orange paid a visit to England,[7] and his marriage to the Princess Mary, 'which gave great content to the nation,'[8] strengthened the anti-French and ultra-Protestant party. In spite of Charles's assurances to Barillon that he was 'fort ferme et fort résolu de ne se laisser ébranler en rien' against Louis's interests,[9] and that he would not fail to win over William of Orange himself to look more favourably on France,[10] Louis could no longer count on England's support.

Thus after 1674 the war was on a new footing. The Dutch were no longer isolated. Denmark, the Elector Palatine, the Dukes of Brunswick and Lüneburg, even the Bishops of Münster and Cologne, were now on their side.[11] France and Sweden were almost alone against

The war after 1674.

[1] Mignet, iv. 124, *seq.* [2] Baschet's Transcripts, xxxvi. 328 and 332.
[3] *Ibid.* p. 286. [4] *Ibid.* p. 326. [5] *Ibid.* pp. 293, 294.
[6] *Ibid.* xxxvii. 124, 128, 129. [7] *Ibid.* xxxviii. 288 *seq.*
[8] Reresby, *Memoirs*, p. 124, and Baschet, xxxviii. 316.
[9] Baschet, xxxviii. 291.
[10] *Ibid.* pp. 288, 292, 303, 316. [11] Mignet, iv. 280 *seq.*

Europe. Yet France was everywhere successful in the field. Unity and concentration told against jealousy and division. Franche-Comté was conquered in six weeks; Condé held William of Orange in check, and Turenne's brilliant campaign on the Rhine won him fame which not even his cruel devastation of the Palatinate could take away. He outgeneralled Montecuculi, the only Austrian leader of note, and saved Alsace and Lorraine, but was killed on the eve of a battle at Salzbach in 1675. Only in the north the allies obtained some success. The battle of Fehrbellin, won by the Great Elector over the Swedes, had an immense moral effect in proving that Swedish soldiers were not invincible, and that the balance of power in the north was shifting to a new State. While the war continued, negotiations for peace were begun. After lengthy disputes as to a suitable place of congress,[1] Charles II., whose offer of mediation [2] had been accepted by the confederates,[3] proposed Nimwegen,[4] which was at last agreed upon.

Congress of Nimwegen, July 1676

Louis's great object was to divide his opponents in order to obtain better terms from each separately than he could hope for if they presented a united front,[5] but all his overtures failed to induce the Prince of Orange to desert his allies.[6]

William feared that to make a separate peace with his victorious enemy would be to strengthen Louis's position in Europe; he saw that the force of a coalition was needed to put a curb on the French king's ambition, and he hoped by a successful campaign to gain further concessions from France.[7]

William's wishes, however, were overborne by the peace party in Holland,[8] which, jealous of the power put into his hands by the war, insisted on treating with France [9] in spit

[1] *State Papers*, Holland, cxcviii. 11, 98, 124, 148, 149. [2] *Ibid.* p. 105.
[3] *Ibid.* p. 114. [4] *Ibid.* p. 116.
[5] Louis to plenipotentiaries at Nimwegen, Mignet, iv. 390–398.
[6] William of Orange to Fagel, August 10, 1675, Mignet, iv. 363; a Corresp. of d'Estrades and Pomponne, 1676 and 1677, Mignet, iv. 408 and 414.
[7] *State Papers*, Holland, cxcviii. 112. [8] *Ibid.* cxcviii. 116.
[9] D'Avaux to Louis XIV., September 1678, Mignet, iv. 558.

of the unwillingness of Spain and the Emperor to enter into the peace.

William had been, since 1674, handicapped by the conduct of Charles II., who, influenced in turn by the constraint put upon him by the wishes of his people,[1] and by his own need of French subsidies,[2] oscillated between a Dutch and a French alliance. His disinterestedness as a mediator could not be relied upon by either side, and it was only a few months before peace was made that he concluded an 'offensive and defensive league' with Holland, and Parliament resolved to assist him in war against France.[3]

It was not without great difficulty that the barrier line of fortresses demanded both by William and the English could be determined; fresh difficulties were raised by Louis, who was resolved to force the Great Elector to give up his conquests over Sweden. France, however, was getting exhausted by the war, the Dutch people were clamouring for peace, they thought that 'it was not reasonable to expect for them to beggar themselves,'[4] military disasters increased the murmurs of discontent against William's warlike policy, and a battle fought by him near Mons on August 15 came too late to prevent the treaty of peace, which was signed at Nimwegen between France and Holland on August 10, 1678.[5]

Peace of Nimwegen, 1678.

It remained to bring the rest of the allies into the agreement. The cause of peace was advanced in Spain by the revolution which for a time overthrew the influence of the Austrian queen-mother, and replaced it by that of Don Juan, the illegitimate son of Philip IV., whose interests were contrary to those of the Austrian party.

The treaty between Spain and France quickly followed Sept. 17.

[1] Courtin to Louis XIV., June 21, 1677, Mignet, iv. 480, and Reresby, *Memoirs*, p. 138.

[2] Corresp. of Ruvigny and Barillon with Louis XIV., Mignet, iv. 513 *seq.*

[3] *Commons Journals*, 1678, April 29, May 2, and May 27.

[4] *State Papers*, Holland, cxcviii. 134.

[5] Koch and Schoell, *Hist. abrégée des Traités de Paix*, i. 367.

Feb. 2, 1679.

that of France and Holland, and in its turn made inevitable the agreement of the Emperor to the peace.

Here Louis reaped the advantage from his intrigues in Hungary. Leopold needed all his resources to quell the Protestant revolt, and abandoned the princes of Northern Germany, who hastened to make their peace with France.

Denmark and Brandenburg alone resisted Louis's demands, but in vain. Their opposition was prompted not so much by their desire to maintain a balance in Western Europe as by their anxiety to keep from Sweden that position of supremacy on the Baltic which Louis seemed determined to give her. The peace forced on these two northern States at the sword's point by France[1] secured to Sweden all the possessions she had gained by the treaty of Westphalia,[2] except a small strip of land beyond the Oder,[3] and, in spite of the military success of her rivals, it delayed until the next century the overthrow of her power by Russia and Prussia.

Treaty of St. Germain-en-Laye between France and Brandenburg.

The Peace of Nimwegen has been called the pinnacle of Louis's glory. 'My will alone concluded this peace,' he himself wrote.[4] He took credit to himself for the concessions he was obliged to make, and boasted of the moderation and generosity of France. He had gained from Spain Franche-Comté and a line of fortresses stretching from Dunkirk to the Meuse; from the Emperor, Freiburg and the right of passage across the Rhine, together with certain rights in Lorraine, thus opening a road into the Empire.

The balance of power at this time undoubtedly tended towards France, yet the Peace of Nimwegen none the less marks the failure of France to dominate Europe. Louis had not attained the object which was his at the beginning of the war. He had failed to conquer the Dutch Provinces—he had even been forced to recognise that they formed one

[1] Treaties of St. Germain, June 1679, of Fontainebleau (France and Denmark), and of Lunden (Sweden and Denmark).

[2] St. Germain, art. v., Vast, ii. 119.

[3] *Ibid.* art. vii., Vast, ii. 120.

[4] Mignet, iv. 702.

of the chief powers of Europe. His vanity and ambition, however, blinded him to his own limitations.

VI. 1678–1688

Louis's hopes of the imperial crown.

Louis XIV. had long entertained the idea, impracticable though it was, of making himself emperor.

Mazarin had considered the possibility of this as early as 1646, and in 1657 he had some hope of securing Louis's election instead of that of Leopold.[1] In 1670 Bavaria had promised to support Louis's candidature in the event of a vacancy of the imperial throne, and in 1679 the same promise was obtained from the Great Elector by the secret articles of the treaty of St. Germain, because the 'most Christian king' was 'more capable than any other, through his great and heroic virtues, and through his power . . . to re-establish the Empire in its ancient splendour.'[2] By the same treaty[3] Frederick William undertook to support the intrigues carried on by Louis to gain control of the elections to the Polish throne,[4] but it may be doubted whether either the Elector or the French king attached much importance to this treaty, which would allow France to dominate the whole of Europe.

At all events, Louis, in the decade following the Peace of Nimwegen, took more practical means of maintaining his power in the Empire.

France was in need of a period of rest from war, but so were the other nations of Europe, and Louis XIV., feeling free from interference for a time, determined to make legal definitions supplement military conquests.

Chambres de Réunion.

On the pretext of having the exact meaning of the treaties of Nimwegen interpreted in detail, Louis summoned the Parlement of Metz, and the ordinary courts of Douai, Breisach, and Besançon, under the now well-known name of 'Chambres de Réunion.'

His lawyers well understood their work of legalising the

[1] Vast, i. 65.
[2] *Ibid.* ii. 131, art. xi. and xiii.
[3] *Ibid.* ii. 129, art. ix.
[4] *Perwich Letters, passim.*

annexation by France of the territories in question in Alsace, Franche-Comté, and elsewhere. The capitulation of Strasburg brought about by bribery and diplomacy, and only foreseen in Europe a few days before the city actually fell into Louis's hands,[1] was an insult to the dignity of the Empire, but Leopold, with the Turks at the very gates of Vienna, could not attempt to arrest the advance of France by force of arms, and by 1684, Luxemburg, Dixmude, Courtray, and Oudenarde were in Louis's possession.

These aggressions could not be seen without anxiety by Europe, and the alliance of Holland with Charles XI. of Sweden, who was alienated from France by Louis's annexation of Zweibrücken, produced the first of a series of treaties[2] which united the Emperor, Spain, Bavaria, and the circles of the Upper Rhine and Fraconia in a defensive league.

These States, however, were not ready for a renewal of hostilities. Spain alone, unable to recognise her own helplessness, declared war on France in 1683,[3] but Charles obtained no help from his allies, and the truce of Ratisbon between France and the Empire confirmed Louis in the possession for twenty years of all the territories adjudged to him by the Chambres de Réunion, and seemed to be a confession of the failure of the Habsburgs to prevent the supremacy of the Bourbon king.

Truce of Ratisbon, 1683.

But there was another factor in the coalition against Louis XIV. William of Orange, the keynote of whose life-long policy was resistance to the aggressions of France, made it his work to develop and crystallise the uneasy fear of Louis's power which prevailed in Europe, and to give it definite and effective expression in a league of the principal States for the maintenance of the treaties of Westphalia and Nimwegen.

League of Augsburg, 1686 (July 9).

The formation and maintenance of the League of Augsburg, which was confirmed in 1689 at Vienna under the name of the 'Grand Alliance,' was made easier by Louis's own dis-

[1] *London Gazette*, September 15, 1679.
[2] Koch and Schoell, i. 382 *seq.*, 1681–1683.
[3] Legrelle, *Succession d'Espagne*, i. 249.

regard for the need of conciliating Europe. The revocation of the Edict of Nantes (1685) gave William's cause the appearance of a crusade against religious persecution, and won him the support of the whole Protestant interest of Europe.[1] On the other hand, Louis's quarrel with the Pope concerning certain privileges of the French ambassador at Rome, and his interference against the Papal authority in an election to the archbishopric of Cologne, exasperated Innocent XI. against France, while William's declared moderation in religious matters influenced even the Catholic powers in his favour.

VII. 1688–1697

The English revolution which in 1688 placed William on the throne of James II. and drove the latter a fugitive to France was welcomed by almost the whole of Europe. 'The Pope's Nuntius himself let his satisfaction herein appear.'[2] The Emperor looked favourably on William's enterprise because he thought it likely to help him against France, 'and that by sea, from whence the very heart of the French power may be reached,'[3] and since he considered it 'to his interest to oppose the growing power of France,'[4] he carried out in 1689 'his intention of making a stricter allyance with England and Holland.'[5]

It was not without a struggle that Louis XIV. saw Europe thus united against him; he tried, but in vain, to detach Spain from the League;[6] Charles II. rejected the old French project of exchanging the Netherlands for Roussillon, and the diplomatic duel between the Austrian and French ambassadors at Madrid[7] could not prevent the adherence of Spain to the Grand Alliance (June 1690). The contest between France and Austria for the friendship of Bavaria was equally unsuccessful for Louis.[8]

[1] Legrelle, i. 288.
[2] *Lexington Papers*, p. 339 (Mr. Hop's Journal). [3] *Ibid.*
[4] *Ibid.* December 12, 1688. [5] *Ibid.* February 27, 1689.
[6] Rebenac to Louis XIV., January 27, 1689; Legrelle, i. 336.
[7] Corresp. of Feuquière and Louis XIV., Legrelle, i. 307 *seq.*
[8] Corresp. of Villars and Louis XIV., Legrelle, i. 294 *seq.*

The Bavarian Elector was married to Leopold's daughter Maria Antonia, who through her mother had claims on the Spanish monarchy, and though Leopold's anxiety to annul his daughter's rights in his own favour made the union a source of jealousy rather than of friendship, the Elector of Bavaria preferred making a treaty with the Emperor to promising his support to Louis for a Bourbon candidate for the Spanish throne.

War of the League of Augsburg.

In 1689 France found herself again engaged in war against a league of jealous European States, but now the chief actors were not the degenerate governments of Spain and Austria, but the naval powers, England and Holland, who were fighting for their own commercial interests, their chosen ruler, their liberty of conscience, as well as for the maintenance of a balance of power on the Continent.

Yet against this league Louis had once more the supreme advantage of unity and concentration. He alone was the master of French policy ; there might be jealousy among his ministers and his generals, but he was not dependent on their good will for the carrying out of his orders. The position of William III. was very different. It was not to be expected

Louis XIV. and James II.

that Louis would let slip the great opportunity of injuring William offered him by the position of James II. Generosity and self-interest combined to demand Louis's support of the Stuart cause ; if James could with French aid be placed once more on the English throne, England, under a Catholic king owing his crown to Louis and dependent on him for support, would be inevitably severed from the Grand Alliance and would turn the scale in favour of France.

The French, however, made insufficient use of the naval superiority which was theirs at the beginning of the war, and lost their advantage in the battle of La Hogue in 1692 ; they miscalculated both the condition and the force of national feeling in England, they knew that William was unpopular, and mistook dislike for disloyalty. In spite of William's difficulties with his Parliaments, Louis was unable to shake

his hold on England, and found that even the death of Queen Mary did nothing to advance a Stuart rebellion.

William's difficulties with the Coalition.

In addition to troubles in England, William had an almost impossible task abroad. 'No coalition of which history has preserved the memory has had an abler chief than William,' writes Macaulay,[1] 'but perhaps no coalition that ever existed was in such constant danger of dissolution as the coalition which William had with infinite difficulty formed.' Questions of etiquette and precedence endangered national interests; the English were jealous of the Dutch; the German princes would not move without subsidies,[2] 'personal interests prevailed while the French were in the heart of the Low Countries.'[3] The Spanish Government, though eager for the continuance of the war,[4] was incapable of keeping its promises of help to the Dutch and Flemish;[5] it was absorbed in private quarrels,[6] and yet complained that it was ignored in the negotiations for peace. Austria still had to contend with the Turkish war,[7] which Louis did his best to prolong, and tried to make the Grand Alliance serve Austrian rather than European interests and to divert the Saxon troops to the south.[8] Denmark and Sweden feared the rivalry of England and Holland in the Baltic trade almost as much as the ascendency of France.

Campaigns of 1690–1693.

The Congress of Allies assembled at the Hague in January 1691 gave William as much difficulty as Luxemburg, 'le tapissier de Notre-Dame,' himself. Seldom has a commander lost so many battles and repaired his losses so quickly as William III. The battles of Fleurus, of Steinkirk, and of Neerwinden fought out with desperate courage between

[1] *Hist. of England*, iv. 12.

[2] Coloma to Charles II., August 1690; Lonchay, *La France et l'Espagne aux Pays-Bas*, p. 312, *Mémoires couronnés de l'Ac. de Belgique*, tome 54.

[3] Moncayo to Charles II., July 1692; Lonchay, *La France et l'Espagne aux Pays-Bas*, p. 321, *Mémoires couronnés de l'Ac. de Belgique*, p. 321.

[4] Portland to Lexington, January 1695, *Lexington Papers*.

[5] Lonchay, pp. 313, 314, 318.

[6] Stanhope to Lexington, January 1695, *Lexington Papers*.

[7] Charles II. to William and Leopold, March 3, 1695, Lonchay, p. 330.

[8] Lord Paget to Lexington, 1695.

Luxemburg and William—'the hunchbacked dwarf and the asthmatic skeleton,' as Macaulay describes them [1]—though resulting in victory for the former, brought terrible losses to conquerors and conquered alike, and gave little real advantage to France.

The tide of success at last turned against France. The prosperity of the country was ruined by the long strain of Louis XIV.'s wars; the great organiser Louvois died in 1691, Luxemburg in 1695, and there was no one to take their place. The victories won by Catinat in Savoy and Italy brought no more solid gain to France than did those won by Luxemburg in the Low Countries. Louis himself was at last forced to recognise the limitations of his power and the possibility of defeat. After 1693 he appeared no more with his armies, and in that year he effected a reconciliation with the Pope and made proposals of peace to William, offering to accept the mediation of Sweden.[2]

Negotiations for peace.

Louis's demands were, however, too high; he was anxious to keep Strasburg and Luxemburg,[3] while the allies were willing to negotiate only on the basis of the treaties of Westphalia and Nimwegen.[4]

The chief difficulty in the way of peace was raised by Louis's refusal to recognise William's right to the title of king of England, whereby he hoped to persuade the allies that their leader was carrying on the war on account of a personal grievance and not for the general good.[5] William, though honestly anxious for peace, could not make treaties with an enemy who styled him 'the Prince of Orange,' thus tacitly reserving the right of supporting James II.'s claim to the English throne.

The assassination plot, 1696.

That the danger from the Stuart party in France was no imaginary one was proved by the plot against William's life

[1] Macaulay, *Hist. of England*, iv. 410.
[2] Memoir presented by d'Avaux to Swedish Court, Lonchay, p. 323.
[3] Heinsius to Lexington, December 6, 1694, *Lexington Papers*.
[4] *Ibid.* December 28, 1694, *Lexington Papers*.
[5] Shrewsbury to Lexington, April 19, 1695, *Lexington Papers*.

discovered in 1696.[1] Louis and James themselves denied all knowledge of the attempted assassination, but its failure was said to be the reason for the abandonment of an invasion of England, preparations for which were complete at Calais.[2] At all events the two kings were disappointed to learn that the attempt had done nothing but increase William's popularity, and it was reported from France that 'advices were received from England which caused the deepest mortification here, for it appears that the Prince of Orange has acquired reputation and glory where they had prepared for him a tomb.'[3]

Savoy.

Louis, pursuing his policy of dividing the Allies, in 1696 succeeded in detaching the Duke of Savoy from the Grand Alliance. This prince, situated between France and Austria, was, like the Great Elector, driven by force of circumstances to a vacillating and treacherous policy. His only means of safety lay in selling his favour to the highest bidder, and in playing off his great neighbours one against the other.

In June 1690 he had joined the Grand Alliance, and his desertion of it he kept secret for some time.[4] He represented to the Allies that he gave way to Louis's instances only to avoid the devastation of his country by an overwhelming French force—he omitted to add that this force was sent at his own request. The Duke of Savoy hoped, by concealing the real nature of his alliance with France, to make himself the mediator of a general peace, but the Emperor Leopold rejected this proposal, for once at least acting on his own initiative, 'contrary to the opinion of all his council,' an event which had 'very rarely or never happened before.'[5] At last, in the spring of 1697 a congress was opened at Ryswick, under the mediation of Lilienroot, the Swedish ambassador to the Hague, but even then matters seemed little advanced. 'If we go no faster than we have

Congress of Ryswick.

[1] Portland to Lexington, March 1696, *Lexington Papers.*
[2] Anon. letter to Lexington, March 2, 1696, *Lexington Papers.*
[3] Anon. letter to Lexington, March 16, 1696, *Lexington Papers.*
[4] Corresp. of Galway and Lexington, *Lexington Papers.*
[5] Lexington to Blathwayt, November 1696, *Lexington Papers.*

begun,' wrote the observant Matthew Prior, 'we may e'en make another Nimwegen business of it. Kaunitz is ceremonious and punctilious about trifles, Zeiler is more so; Smeateau, the Brandenburg minister, acts upon queries and quomodos.'[1] The trifling excuses and petty objections brought forward by the Austrians[2] were only a disguise for their real object of prolonging the war until the death of Charles II. of Spain, an event at this time momentarily expected.[3]

After two months of fruitless discussion, William, fearing that the Austrians would 'spoil the negotiations by their perverse proceedings,'[4] and finding it impossible to obtain a satisfactory recognition of his title from the French plenipotentiaries,[5] sent his friend and confidant Lord Portland to treat directly with Marshal Boufflers, who received his instructions from Louis himself.

Portland and Boufflers.

These two diplomatists had some difficulty in drawing up an article to be inserted in the treaty of peace, binding Louis to give no help to William's enemies, 'so that King James should be comprehended in it without being designated by name.'[6] It was of the highest importance to William to guard against an active alliance of Louis and the Stuarts, while the French king considered his honour involved in the protection of James II.[7]

Matters were, however, arranged by a compromise,[8] and William directed all his energies towards persuading the Allies to accept Louis's ultimatum before September 20, the date on which the French king threatened to withdraw his proposals of peace.

[1] Prior to Lexington, May 1697, *Lexington Papers*.

[2] Villiers to Lexington, December 1696, and January 1697, and Williamson to Shrewsbury, July 23, 1697, *Lexington Papers*.

[3] Stanhope to Lexington, May 1696, *Lexington Papers*.

[4] William to Heinsius, July 25, 1697, *Lexington Papers*.

[5] Boufflers to Louis XIV., July 1697, Grimblot, *Letters of William III. and Louis XIV*.

[6] William to Heinsius, July 19, 1697, Grimblot, *ibid*.

[7] Louis to Boufflers, July 12, 1697, Grimblot.

[8] Art. iv. Treaty of Ryswick, Vast, ii. 205.

On September 22 a treaty was signed by the French plenipotentiaries with England, Holland, and Spain, and William with much difficulty obtained a suspension of arms between France and the Empire until November 1,[1] when Leopold was obliged to come into the peace. Treaty of Ryswick, 1697.

The news of the Peace of Ryswick was received in England with great rejoicing. 'That noble nation are so overjoyed at the Peace,' wrote Prior, 'that they are all fit for Bedlam.'[2]

In France, however, the content was not so great.[3] Louis had surrendered all his conquests since the Peace of Nimwegen except Strasburg and Landau, he had recognised a despised Dutch prince as king of England, he had agreed that Dutch garrisons should be placed in the strongest fortresses in the Spanish Netherlands; even the coveted duchy of Lorraine was restored, with reservations, to its Duke. Though Louis cited these concessions as proofs of his own generosity in preferring public tranquillity to his own interests,[4] it was felt by the French that the glory of the 'Roi soleil' was waning, and that the predominant power in Europe was being wrested from the grasp of their king, not indeed by the Habsburg House, but by the country which under the last two Stuart kings had been almost a vassal of France, and which in the next century was to be her successful rival in the spheres of commercial, colonial, and maritime enterprise.

No failure could, however, daunt Louis's ambition. After Ryswick, as after Nimwegen, he set diplomacy to work in the hope of winning from his rivals greater concessions by negotiation than he had been able to gain by force.

VIII. 1698–1702

In the last two years of the seventeenth century the principle of a balance of power was definitely recognised, even by Louis XIV., as the true basis of diplomatic negotiations,

[1] Williamson to Lexington, September 24, 1697, Grimblot.
[2] Prior to Lexington, October 1, 1697, Grimblot.
[3] Anon. letter to Lexington, October 1, 1697, Grimblot.
[4] Louis to Boufflers, July 12, 1697, Grimblot.

and in its two aspects, territorial and commercial, it was applied to the making of treaties which arranged a complete redistribution of the great possessions of Spain.

The Spanish Succession.

Ever since 1666 the question of the Spanish succession had influenced European politics, and in 1698 it was made pressing by the increasing weakness, both physical and mental, of the childless King Charles II., whom Stanhope, the English ambassador, described as daily losing ground.[1]

Claimants.

Of the three principal claimants to the succession, the Dauphin of France held the first place according to strict hereditary right through his mother, Maria Theresa, elder daughter of Philip IV., and his grandmother, Anne of Austria, elder daughter of Philip III. But according to legal argument the Dauphin's claim was invalidated by the renunciation of their prospective right to the Spanish crown made by both princesses on their marriage to the successive kings of France.

The 'Electoral Prince,' Joseph Ferdinand of Bavaria, grandson of Leopold I. and his first wife Margaret Theresa, the second daughter of Philip IV., was also barred from the succession by the renunciation made by his mother of her own claim.

The Emperor himself was the third claimant, being the son of Philip III.'s younger daughter, who alone had made no renunciations.

It was to Louis XIV. that the idea of dividing the disputed empire between the rival claimants first occurred.

As early as 1668 he had broached the matter to Leopold, and now, recognising the importance of the maritime powers in Europe, Louis, though disdaining to negotiate directly with the Grand Pensionary Heinsius,[2] sent Count Tallard to London to ascertain how William III. would receive his solution of the Spanish question,[3] and sounded Portland,

Negotiations between William III. and Louis XIV.

[1] Stanhope to his son, June 25, 1698, Grimblot. ('His eyes bag, his lids are as red as scarlet, and the rest of his face a greenish yellow' Stanhope, June 25, of Charles II.).

[2] Instructions to Bonrepos, January 13, 1698; Legrelle, ii. 374.

[3] Instructions to Tallard, March 1698, Grimblot.

William's ambassador to Paris, on the same point.[1] For some time negotiations proceeded slowly. Both kings were anxious to find out each other's intentions before declaring their own. William himself, tired of war and in failing health, was inclined to favour any plan which promised a peaceful end to the question. 'I confess,' he wrote to Portland, 'that I have a heartfelt desire to see no more of war during the short period I may yet have to live.'[2] He felt, however, little hope of success. 'Our interests are so different, I scarce see a possibility of reconciling them,' he tells Heinsius, throughout the negotiations his confidant and adviser. 'Besides the greatest hardship . . . is the little reliance to be made on engagements with France.'[3] Another great difficulty in the way of any agreement lay in the unreasoning suspicion of William's foreign policy felt by the English Parliament, which insisted on the disbanding of troops,[4] and grudged him necessary supplies. 'It is only by his extreme patience and by incessantly applying remedies to everything that he succeeds in a part of what he desires,' Tallard reported to Louis; but he also warned his master not to rely on this apparent disaffection, nor to entertain any hope of a rebellion against William's government.[5]

Louis's great anxiety to come to an understanding with the maritime powers was increased by the fact that without the help of their ships Austria could not hope to convey to Spain the Archduke Charles, the Emperor's second son, to whom Leopold had transferred his claims in recognition of the principle of a balance of power. This very fact that Austria was not a naval power caused England to fear her less than France, and to side against the Bourbon candidate. Louis made every effort to convince William III. that he had no wish to unite the two crowns,[6] that the Dauphin would

[1] Portland to William III., March 15, 1698, Grimblot.
[2] William III. to Portland, March 1698, Grimblot.
[3] William to Heinsius, April 1698, Grimblot.
[4] William to Portland, April 1698, Grimblot.
[5] Tallard to Louis XIV., April 8, 1698, and February 26, 1699, Grimblot.
[6] Portland to William III., March 15, 1697, Grimblot.

cede his rights to one of his younger sons, the Duke of Berry or the Duke of Anjou; that one of them—whichever the Spaniards themselves should choose—should be brought up in Spain, that he would lose his French sympathies, and that Spain would 'form a separate body and be able to maintain the same balance between the powers of Europe.'[1] William, however, refused to place a French prince on the throne of Spain. 'The Dutch have made him resolute not to consent to that alternative,' wrote Tallard.[2] The king of England was very unwilling to see the union of Italy and Spain in French hands, and insisted on a strong barrier for the Netherlands.

The Second Partition Treaty, Sept. 8, 1698.

The treaty signed on September 8, 'the most celebrated treaty which has been made for many ages,'[3] assigned Spain, the Indies, and the Spanish Netherlands to the Electoral Prince. The Dauphin's share consisted in the two Sicilies and the Tuscan ports, Finale and Guipuzcoa, San Sebastian and Fuenterrabia, while the Archduke Charles was to receive the Milanese and Luxemburg.

Louis had seen the necessity of allowing the Dutch a strong barrier in the Netherlands, and had regretfully recognised William's determination not to give Spain to a French prince. He had, however, secured a position for his grandson on the Mediterranean which, with a strong navy, would give him command of the sea and enable him to keep guard between Austria and Spain.

In spite of the great need for secrecy, admitted on both sides,[4] the treaty became suspected in Spain, and Charles II. met it by making a will leaving all his possessions to the Bavarian prince, who, being neither French nor Austrian, might perhaps be allowed to maintain the integrity of the Empire.

Scarcely had the partition treaty been concluded when

[1] Louis to Tallard, April 1698, Grimblot.
[2] Tallard to Louis, July 3, 1698, Grimblot.
[3] Tallard to Louis, September 8, 1698, Grimblot; Legrelle, ii. 664 *seq.*
[4] Louis to Tallard, October 10, 1698, Grimblot.

the death of the little prince of Bavaria, on whom all turned, undid the long work of the kings of England and France. Rumours of foul play and poison were spread abroad by Maximilian Emmanuel, the father of the prince. 'No one doubted its [*i.e.* his death] having been caused by the influence of the Council of Vienna,' wrote the Duke of St. Simon but the suspicion seems to be ill-founded.[1]

Death of Ferdinand Joseph, Feb. 6, 1699.

The changed condition of affairs added to the difficulties of the partition negotiations, which were at once resumed. The question lay now between the grandson of Louis and the son of Leopold.

Renewed negotiations.

The Peace of Carlowitz, concluded by the Emperor with the Turks a month earlier, gave greater freedom to Austria and made Louis more anxious to come to terms with William III. 'I know how much Europe would be alarmed at seeing my power raised above that of the House of Austria,' he admitted, but he adds, 'it is for the general interest that if it becomes still greater mine shall always be able to counterbalance it. It is on this principle that the proposals of a partition of the Spanish monarchy must be regulated.'[2] William however did not see European affairs in the same light. He told Count Tallard that 'there were two great powers in Europe, one of which was infinitely more considerable than the other . . . the latter . . . [*i.e.* France] cannot be increased without disturbing the balance.'[3]

Jan. 1699.

After a year of tedious disputes, another partition treaty was signed in March 1700.[4]

Third partition treaty.

Louis was again obliged to make concessions. He had proposed that Spain should be allotted to the Duke of Savoy,[5] while Savoy itself was to be annexed to France, but William had rejected this proposal. By the third partition treaty the Archduke Charles was to take the place of the Electoral Prince, the Dauphin adding to his former share the

[1] Legrelle, ii. 640–643.
[2] Louis to Tallard, February 13, 1699, Grimblot.
[3] Tallard to Louis, March 7, Grimblot.
[4] Legrelle, iii. 690 *seq.*
[5] Louis to Tallard, February 13, 1699, Grimblot.

duchies of Lorraine and Bar, which had been for so many years coveted by France.

The Duke of Lorraine, less patriotic than his father, consented to receive Milan in place of his own country.

There seems to have been a tendency on the part of the contracting kings to underestimate the hostility with which the news of the partition treaties would be received in Europe.

Opposition of Leopold,

Though Austria and Spain were the only serious opponents, the weight of their opposition was out of proportion to their strength. The treaty could only take peaceful effect with Leopold's consent, and that consent he withheld.[1]

and of Spain.

In Spain itself there was, in spite of apathy, ignorance, and decay, a firm foundation of pride, a germ of the spirit of national independence that rose to life more than a century later against the tyranny of Napoleon.

If there was one idea which possessed all the Castilians, from king to peasant, it was the determination to keep their empire independent and intact. If they inclined to a French prince, it was only because they thought that Louis alone would be strong enough to prevent a partition, and because they relied on his assurances that the Duke of Anjou should never be king of France, 'for,' says Stanhope, 'they would rather have the devil than see France and Spain united.'[2]

The old feeling of sympathy with Austria had been killed at the Spanish Court by the unpopular Austrian Queen, the successor of Marie Louise of Orleans. 'It is scarce conceivable the abhorrence they have for Vienna,' wrote Stanhope, who also reported the growing unpopularity of the Austrian ambassador, saying that he was prevented by poverty from using enough display to please 'this ceremonious people.'[3]

Leopold took no steps to further his own interests. He made no effort to send the Archduke Charles to Madrid,

[1] Manchester to Blathwayt and Jersey, August 20 and 27, Grimblot.
[2] Stanhope to his son, June 11, 1698, Grimblot.
[3] Stanhope to Lexington, August 6, 1697, Grimblot.

where he might have hoped to influence the Spanish king and people in his favour.[1] He stood by while Harcourt, the able minister of Louis, undermined the influence of the Queen and the German party at the Court, and Portocarrero, the leader of the French party, induced the dying king to bequeath all his possessions to the Duke of Anjou.

Will of Charles II. Oct. 2, 1700.

A few weeks later the death of Charles II. put Europe in possession of the terms of his will.[2]

Death of Charles II. Nov. 1, 1700.

The surprise with which it was received was only equalled by the eagerness with which Louis's decision was awaited. Louis himself seems scarcely to have expected so favourable an issue to the intrigues of the French party at Madrid, and the Duke of St. Simon reports long discussions in his council as to the course to be pursued. If Louis refused to accept the will, its terms provided that the whole monarchy should descend to the Archduke Charles, who, bound by no partition treaty, would certainly allow no consideration of the need for a 'balance of power' to interfere with his enjoyment of what he claimed as his right, more especially since, failing both the Duke of Anjou and the Archduke, Charles II. had bequeathed his crown and dominions to the Duke of Savoy.

To maintain the partition treaty would mean inevitable war with Austria and Spain without the hope of an adequate reward, and this consideration, added to the force of dynastic ambition, outweighed with Louis all the obligations into which he had entered, and led him to ignore not only his renunciations of 1660, but also the treaties with William III. which were his own work. At the close of a council meeting held on November 16, 1700, Louis, pointing to the Duke of Anjou, announced to his waiting courtiers, 'Messieurs, voilà le roi d'Espagne.' 'C'était l'ordre du ciel,' he added. 'Je l'ai accordé avec plaisir.'[3]

Louis accepts the will.

It has been urged in favour of Louis's decision that the partition of the Spanish monarchy would have been a crime;

[1] Vehse, ii. 68, 69. [2] Legrelle, iii. 712 *seq.*
[3] Legrelle, iv. 53.

that the choice of the Duke of Anjou as king was the best that could be made in the circumstances; that in accepting the will the 'Most Christian King' was acting for the advantage of both France and Spain; and that he was justified by the maxim laid down half a century later by Frederick the Great, 'A prince should consult nothing but his interests.'

On the other hand, it is argued, if good faith is to be anything more in diplomacy than a fair-sounding term, if ratified treaties are to have any weight, if there is any such thing as political honour—and if there is not, it is hard to see how nations can treat with one another except by force of arms—the French king should have kept the treaty he had made.

Louis, in a memoir sent to William III., tried to convince him that 'the equal balance desired by all Europe' would be better maintained by his acceptance of the will than by his adherence to the partition treaty, which gave him direct increase of territory. He assured William that the two crowns would always remain separate.[1]

It was on this point that all turned. Only two lives were between the Duke of Anjou and the French throne, and William had little reason to put faith in Louis's assurances.

Indignation of William III.

He received the news of the French king's decision with indignant disappointment. 'I cannot conceive how they can have the effrontery to produce such a paper,' he wrote to Heinsius. 'We must confess we are dupes; but if one's word and faith are not to be kept, it is easy to dupe any man.'[2]

'I am perfectly persuaded that if this will be executed England and the Republic are in the utmost danger of being totally lost or ruined,' he wrote again;[3] and in spite of failing health he was ready, with unimpaired, energy, to again take the lead in building up a coalition against France.

He did not realise that France was now entering on a period of decline, that her people were impoverished, her

[1] *Mémoire justificatif*, Legrelle, iv. 44 *seq.*
[2] William to Heinsius, November 16, 1700, Grimblot.
[3] William to Heinsius, November 14, 1700, Grimblot.

finances disorganised; he could not foresee that the opening century would bring with it the ruin of the Bourbon dynasty which he so much feared.

It seemed at first that he would call in vain for help from the English people. 'The people will neither see nor hear,' William had written to Portland. 'Nothing in the world is thought of but how one party may injure the other. They do not trouble themselves about what is passing in other countries any more than as if there were none in existence.'

But what William was unable to accomplish, Louis himself achieved. His recognition of the son of James II. as king of England on his father's death was an act of praiseworthy generosity, but one calculated more than any other to exasperate the English people; his expulsion of Dutch troops from the barrier fortresses roused the anger of the United Provinces; and his declaration that Philip of Anjou had not forfeited any right of succession to the French crown awoke the alarm of Europe.

The Emperor bought the support of the Elector of Brandenburg by granting him the title of 'King of Prussia,' and the last act of William's life was the formation of another 'Grand Alliance' against Louis XIV.

Spanish Succession War, 1702.

He left his great work to be carried on by Marlborough, and Europe was involved in eleven more years of warfare, years in which the battles of Blenheim, Ramillies, Oudenarde, and Malplaquet mark the gradual exhaustion of France.

Peace of Utrecht, 1713.

The Peace of Utrecht brought the solution of the Spanish succession question; Philip V. was left in possession of Spain and the Indies, for by the death of Joseph I. the Archduke Charles, who had been driven from Spain and was hated by the Spaniards, had been placed on the imperial throne, and there was no other candidate who would be accepted by Spain.

The partition of the Spanish Empire was now achieved The much-disputed Low Countries were given to Austria, who also obtained the Milanese, Sardinia, Naples, and the Tuscan ports. France was allowed to keep possession of Alsace and Strasburg and of Lille, Aire, Béthune, and

St. Venant, but great care was taken to prevent a repetition of Louis's attacks on Spain and the Empire.

The Peace of Utrecht, followed by the Peace of Nystadt in 1721, opened a period which saw great changes in the balance of power in Europe ; the rise of Russia and Prussia, of England, and of the House of Savoy ; the decline of Sweden, of the Empire, of the Dutch Provinces and Spain, and the temporary decline of France.

The principle of a balance of power, which had been evolved as a means of self-defence, was in the eighteenth century appealed to as an excuse for robbery. It was not yet held in check by the force of national feeling ; if one great power gained any increase of territory, the others claimed the right of readjusting the balance by a corresponding increase on their own parts at the expense of their weaker neighbours. The Partitions of Poland at the end of the century—the dismemberment of a country which had fallen into anarchy, it is true, but which still possessed a vigorous national life—offer an example of the extreme lengths to which it is possible to carry the principle of a balance of power.

The great awakening of the nations which took place while the storm of the French revolutionary wars swept over Europe, breaking down in their course the existing political systems, the old respect for monarchical institutions, the old apathy of the governed classes, set up the spirit of national liberty as the guardian of Europe's frontier lines, and interposed the force of public opinion as a barrier of defence against the aggressions of dynastic ambition.

In the development of modern policy the belief in the necessity for a balance of power maintained its sway ; the wider sphere of interests opened out by the expansion of trade throughout the world, the attempts to prevent the naval or military supremacy of any one State, the universal struggle for wealth and power, the imperial ambitions of rival nations, provide a field for the application of this conception of seventeenth-century diplomacy, which has become one of the fundamental principles of modern international policy.

CANNING AND SPANISH AMERICA

By Colonel E. M. LLOYD, R.E.

Read December 17, 1903

In a letter to Hookham Frere, on January 8, 1825, Canning spoke of the recognition of Mexico and Colombia as 'an act which will make a change in the face of the world almost as great as that of the discovery of the continent now set free. The Allies will fret; but they will venture no serious remonstrance. France will fidget; but it will be with a view of hastening after our example. The Yankees will shout in triumph; but it is they who lose most by our decision.

'The great danger of the time — a danger which the policy of the European system would have fostered—was a division of the world into European and American, Republican and Monarchical; a league of worn-out governments on the one hand, and of youthful and stirring nations, with the United States at their head, in the other. *We* slip in between, and plant ourselves in Mexico. The United States have gotten the start of us in vain; and we link once more America to Europe.'[1]

Stapleton, Canning's secretary and biographer, speaks of the recognition as perhaps the most important measure adopted while Canning was Foreign Minister.[2] The steps by which it was brought about well deserve study, and illustrate the merits and demerits of orators as statesmen.

[1] Festing, *J. H. Frere and his Friends*, p. 267.
[2] *Political Life of Canning*, ii. 1.

Canning had been a personal friend of Queen Caroline, and it was on account of the difficulties in connexion with her that he had left office at the end of 1820. In doing so he had assured Lord Liverpool and his colleagues that it was a deep mortification to him 'that one unfortunate question should, from circumstances over which he has no control, prevent him at a moment like the present from continuing to take his full share in upholding, in conjunction with them, those general principles of policy, internal and external, upon which they have been acting cordially together.' Castlereagh in his reply referred to 'the unanimity of sentiment which has prevailed in the Cabinet upon our general policy, internal and external,' and spoke of himself as 'the individual member of the Government who must feel your loss the most seriously, both in the House of Commons and in the business of the Foreign Office.' [1]

On Castlereagh's death (August 1822) Canning was regarded, especially by Lord Liverpool, as the only man who could succeed him as leader of the House of Commons. It was doubtful whether he would accept any other office than that of Foreign Secretary; and besides, as Wellington put it, 'nothing can be so erroneous as to place any individual of great activity and talents in a situation in which there is no scope for his activity, and in which he must feel that his talents are thrown away.' [2] It was decided, therefore, to offer Canning the full succession; and in overcoming the king's personal objections Wellington declared his conviction that Canning's principles and opinions 'are in all the main points of your Majesty's policy, domestic as well as foreign, the same as those of your other servants.' [3]

Nevertheless there was a widespread feeling that the change meant a new departure. Two members of the Cabinet, Eldon and Sidmouth, had been strongly opposed to it. Castlereagh's brother resigned the embassy at Vienna. John Quincy Adams, then Secretary of State at Washington,

[1] Stapleton, *George Canning and his Times*, pp. 316, 319.
[2] *Wellington Despatches*, Third Series, i. 277. [3] *Ibid.* p. 274.

questioned Stratford Canning about his cousin's personal disposition 'with an evident leaning to the idea that George Canning's accession to office is likely to introduce a more liberal and vigorous system into the Cabinet.' [1]

Canning was in favour of the Catholic claims, but so was Castlereagh; Castlereagh was against Parliamentary Reform, but so was Canning. The difference between them was not one of principles but of character. Castlereagh was a bad speaker, but a man of sound judgment, cool and courageous, who combined suavity with strength. He had spent his life in fighting Revolution, and he had learnt to place a high value on Continental alliances, especially that of Austria, not only in dealing with Napoleon, the embodiment of the Revolution, but also in dealing with the Czar. In the seven years that followed Waterloo, British tendencies and those of the Continental Powers drifted apart, and Castlereagh incurred unpopularity on both sides by his efforts to keep them together.

Canning was justly described by Sir James Mackintosh (his political opponent) as 'a man of fine and brilliant genius, of warm affections, of high and generous spirit;' but he looked at affairs with 'the excitable disposition of the poet and the orator,' [2] and he had the orator's craving for popular applause. As Gladstone said of Peel, he was 'very sensible of the sweetness of the cheers of opponents.' Among men of his own party he had won 'a character for intrigue and insincerity.' [3] The high hopes of his earlier years had been blighted by his own mistakes, and he had been obliged to accept as his leader the man whom he had once tried to get rid of as an inefficient colleague. He was now past fifty, and his health was far from robust. A few weeks after his appointment as Foreign Secretary he wrote to a friend: 'Ten years have made a world of difference, and prepared a very different sort of world to bustle in than that which

[1] Poole, *Life of Lord Stratford de Redcliffe*, i. 310.
[2] Sir H. Bulwer, *Historical Characters*, p. 418.
[3] Croker, *Diaries*, i. 267.

I should have found in 1812. For fame, it is a squeezed orange; but for public good there is something to do, and I will try—but it must be cautiously—to do it. You know my politics well enough to know what I mean when I say that for *Europe* I shall be desirous *now and then* to read England.'[1]

What he meant was indicated in his speech to his Liverpool constituents on August 30, before he had been invited to rejoin the Ministry: 'In the times in which we live there is (disguise it how we may) a struggle going on—in some countries an open, in some a tacit struggle—between the principles of monarchy and democracy. God be praised that in that struggle we have not any part to take. . . . England has only to maintain herself on the basis of her own solid and settled constitution, firm, unshaken—a spectator interested in the contest only by her sympathies; not a partisan on either side, but, for the sake of both, a model, and ultimately perhaps an umpire.'[2] So far as England was concerned, there was no longer need for leagues of governments against the Revolution. Things were 'getting back to a wholesome state again. Every nation for itself, and God for us all.'[3]

'He was a Briton, through and through; British in his feelings, British in his aims, British in all his policy and projects': such was the impression he made on Rush, the American minister, who praised the candid and liberal spirit in which Castlereagh always regarded American affairs.[4]

A year after Canning took office he explained himself as follows to the British ambassador at Vienna (Sir Henry Wellesley): 'The Austrian minister prides himself, you say, upon being the champion and protector of ancient institutions, and the sworn irreconcilable enemy of revolution. I flatter myself that I am no more a lover of revolution than Prince Metternich. I have certainly passed near thirty years in fighting for old institutions, in that House of Commons

[1] Stapleton, *George Canning and his Times*, p. 364. [2] *Ibid.* p. 368.
[3] *Ibid.* p. 370.
[4] Rush, *The Court of London from* 1819 *to* 1825, p. 358.

which Prince Metternich views with so much jealousy; but in which and *by* which, after all, revolution has been arrested, and what remains of old institutions has been saved. But I cannot shut my eyes to the real state of things. I cannot forget, nor should Prince Metternich, that in resisting the French Revolution in all its stages, from the Convention to Buonaparte, we resisted the spirit of *change* to be sure, but we resisted also the spirit of *foreign domination*. So long as these two spirits were leagued, the resistance to one animated that to the other. But separate them, or (still more) array them against each other, and the most strenuous and most consistent anti-revolutionist may well hesitate which part to choose.' [1]

He showed that this was no new attitude for an English statesman. He referred to Castlereagh's declarations in 1820, in the confidential memorandum respecting Spain, and in the reply to the Troppau circular. Both of these were protests against the collective interference of the Powers in the affairs of other States. But in reply to Metternich's warning that England was losing her influence in Europe by separating herself from the Continental powers, he asked what had that influence effected at Laybach or Verona. 'No—our influence, *if* it is to be maintained abroad, must be secure in the sources of our strength at home; and the sources of that strength are in the sympathy between the people and the government; in the union of public sentiment with the public counsels; in the reciprocal confidence and co-operation of the House of Commons and the Crown.' [2]

In a similar strain he had told his constituents at Liverpool in 1816, in reply to the charge that he was a political adventurer: 'If to depend directly upon the people, as their representative in Parliament; if, as a servant of the Crown, to lean on no other support than that of public confidence—if that be to be an adventurer, I plead guilty to the charge.' [3]

One of the questions which interested the people of

[1] Stapleton, *George Canning and his Times*, p. 380.
[2] *Ibid.* pp. 375, 378. [3] Martineau, *History of the Peace*, i. 437.

England, especially a commercial community like Liverpool, was the emancipation of South America. The revolt of the Spanish colonies had opened the door to British trade at a time when Napoleon was doing his best to close all other doors to it. Extravagant hopes were entertained of the possible development of this trade when those countries should become peaceful and independent States. The contest had lasted twelve years, and might be prolonged, but its issue was hardly doubtful. Buenos Ayres, Chili, Mexico, Venezuela, and New Granada were practically free. The two latter had united to form the republic of Colombia, to which the province of Quito had been added in May 1822. It was only in Peru that the war continued with alternate success. In the work of liberation British soldiers and sailors had played an important part. Various corps, numbering altogether some 5,000 men, had been recruited in England and Ireland, largely from Wellington's old soldiers, and had helped Bolivar to victory at Carabobo and elsewhere. Lord Cochrane had formed a Chilian navy, and driven the Spaniards off the Pacific coast. Loans of many millions sterling had been raised, chiefly in the London market, to provide the sinews of war.

The absolutist tendencies of Ferdinand quickened British sympathies for the revolted colonies, and the discord between the king and the Spanish Liberals paralysed the efforts of the mother country to restore her authority. Such restoration, followed as it was likely to be by some return to the old trade restrictions, would be even worse for British commerce than the continuance of the existing anarchy in South America.

The cry for Parliamentary reform always grew louder in England in proportion as trade grew slack and taxation pressed heavily. A government which was opposed to reform had special inducements, therefore, to open fresh markets or hinder the closing of them. In 1790 Pitt had told Miranda that the emancipation of Spanish America was a matter which 'would infallibly engage the attention of every minister of this country.'[1] In 1810 Canning had replied

[1] Martineau, i. 127.

to those who spoke of Talavera as a barren victory that it would hereafter open to us the ports of Spanish America.[1]

The United States had shown themselves friendly throughout to the colonies which were following their own example, and the independence of the new States had been formally recognised by Congress on May 4, 1822. 'So, Mr. Adams, you are going to make honest people of them?' said the British minister, Stratford Canning. 'Yes, sir,' Adams replied; 'we proposed to your government to join us some time ago, but they would not, and now we shall see whether you will be content to *follow* us.'[2] This step caused much anxiety in England, lest the new States should discriminate by concessions or import duties between the countries which had recognised them and those which had not.

Castlereagh was to have represented Great Britain at the Congress of Vienna (or Verona, as it afterwards became) in 1822. He had drafted instructions for his own guidance which had been approved by the Cabinet. On his death, Wellington was sent as British representative, and was to be guided by these instructions. Canning supplemented them as regards the Eastern question, but not as regards the affairs of Spain or Spanish America.

In the case of Spain, rigid abstinence from any interference in her internal affairs formed the basis of British policy, coupled with solicitude for the safety of the royal family, and observance of our engagements with Portugal. In the case of the Spanish colonies in revolt, it was laid down that where the contest still subsisted there was no justifiable ground for recognition. But in the larger number of provinces the struggle might be said to be over, the local governments had complete possession, and there was already a *de facto* recognition of them. The question was—how long should the *de facto* system of recognition be maintained, to the exclusion of a more formal recognition by diplomatic agents, not amounting to a recognition *de jure*?

[1] Stapleton, *George Canning and his Times*, p. 185.
[2] Poole, *Life of Lord Stratford de Redcliffe*, i. 310.

Wellington was to discuss this question with the allied Courts. He was to 'recall to their attention the intercourse which for a long period of years has subsisted between Great Britain and the provinces so circumstanced, and the impossibility of its now being obstructed or checked without the certainty of rousing the utmost spirit of discontent in the commercial world; that the British Parliament in its last session has found it necessary to give to that intercourse a character of reciprocity, and to relax in its favour the former principle of our Navigation Act, viz. the exclusion of the produce of South America except in British ships.' He was to endeavour, as far as possible, to bring the Allied cabinets to the adoption of common sentiments, but to take care to leave the British Government an independent discretion to act according to circumstances.[1]

In November Wellington circulated a note drawn up in accordance with these instructions. He mentioned in it (at Canning's suggestion) that the relaxation of the authority of Spain in America had let loose a multitude of pirates and buccaneers which disturbed British trade and insulted the British flag. As redress could not be obtained from Spain, the British Government was driven to undertake the task; 'but it is impossible to expect that this intolerable evil should be thoroughly extirpated without the co-operation of the local authorities occupying the ports and coasts of that part of the continent of America. The necessity of this co-operation must lead to some further recognition of the existence *de facto* of some one or more of these self-erected governments.'[2] The question, however, received little attention at the Congress, and no agreement was arrived at.

In the following session of Parliament, Canning was congratulated by the members of the Opposition on the British attitude at Verona, but he very properly disclaimed any special credit for it. 'He was compelled in mere justice to say that upon his entering into the office which he had the honour to fill, he found the principles on which the govern-

[1] *Wellington Despatches*, i. 287. [2] *Ibid.* p. 386.

ment was acting reduced to writing; and this State paper formed what he might be allowed to call the political creed of the ministers.'[1]

Nevertheless the question of Spanish America was one into which he threw himself with ardour. He wrote to Wellington on October 29: 'Is it possible to stop the progress of events and to soothe the growing impatience of our whole mercantile and manufacturing interests—standing still and doing nothing?' And again on November 8: 'Every day convinces me more and more that in the present state of the world, in the present state of the Peninsula, and in the present state of this country, the American questions are out of all proportion more important to us than the European, and that if we do not seize and turn them to our advantage in time, we shall rue the loss of an opportunity, never, never to be recovered.'[2]

Wellington, on the other hand, was altogether in favour of delay. 'I know,' he said (October 18), 'that we must at last recognise all these governments, but I would recognise them when necessary, and only when really constituted and become powers; instead of seeking for reasons for recognising them, and by recognising them, constitute them.' Again (November 10): 'I have always been for going as far as was necessary and never further, and for justifying to Spain and the Allies each particular case. By so doing, we shall stand as we ought to do in the eyes of the world. If we go further, we shall lose our character for justice and forbearance, which after all is what constitutes our power.'

He found reasons for such forbearance in our connexion with Spain and with the Colonies, and in the assistance which British subjects had given to the latter. He added: 'I confess that I should be ashamed of showing my face even upon the present occasion, if the piracy did not give me something to say besides the argument of commercial advantage and the clamours of our people.'[3]

[1] Stapleton, *Political Life of Canning*, i. 299.
[2] *Wellington Despatches*, i. 466 and 511.
[3] *Ibid.* i. 385 and 516.

He had always differed from his colleagues about the Spanish colonies in America. He thought that measures should have been taken earlier to prevent the interference of British subjects in the war, and disapproved every step towards recognition. He wrote to Metternich (May 4, 1824): 'I am one of those who think that it will be very little difference to this country in what way the disputes between the Colonies and the Mother Country are terminated, provided foreign powers do not interfere: but that is not the general opinion in this country.'[1]

To protect British trade, consuls were sent to the several provinces. Fresh remonstrances and warnings were addressed to Madrid, respecting piracy in the West Indies and the unjust condemnation of British vessels by Spanish courts for trading with the revolted colonies. Orders were given to our naval officers in those seas to make reprisals. The Spanish Government promised full redress, but it was in no position to make it. It had enough to attend to at home

Wellington had failed both at Verona and at Paris to persuade the Continental powers to adopt a policy of non-intervention in Spain. In April 1823 a French army, the instrument of the Holy Alliance, invaded Spain to liberate the king from the control of the Constitutional party. By the end of September Cadiz was taken, Ferdinand was set free, and at once proceeded to crush the Constitutionals. Canning was very indignant at the invasion, and was disposed to back up his remonstrances by demonstrations, which he was afterwards assured by the French premier, Villèle, would have sufficed to prevent it;[2] but he was overruled by the Cabinet.

Villèle was personally against invasion. He was much more concerned about Spanish America, and he wished to obtain influence rather than domination in Spain, to further French commercial interests. He feared that war would play into the hands of England. He had even offered, in

[1] *Wellington Despatches*, ii. 388 and 260.

[2] Stapleton, *George Canning and his Times*, p. 551.

1822, to convey Spanish troops to the Spanish colonies.[1] This led Canning to intimate to the French Government when the French army was about to cross the Spanish frontier, that, 'disclaiming in the most solemn manner any intention of appropriating to himself the smallest portion of the late Spanish possessions in America, His Majesty is satisfied that no attempt will be made by France to bring under her dominion any of those possessions, either by conquest or by cession from Spain.'[2]

No answer was returned to this despatch, and before long there were rumours that France meant to help Ferdinand to recover his colonies, and was to be indemnified in America for the expenses she had incurred in Spain. There was no difference of opinion among our ministers as to British action in such a contingency. In a cabinet memorandum, written before the French invasion, Lord Liverpool had advocated neutrality, but had pointed out that the case would be altered if France should attempt to lend Spain aid in America. 'Here a maritime war would be to the purpose, and I should have no difficulty in deciding that we ought to prevent, by every means in our power, perhaps Spain from sending a single Spanish regiment to South America, after the supposed termination of the war in Spain, but certainly France from affording to Spain any aid or assistance for that purpose.'[3]

Wellington, while disbelieving that France entertained any intention of interfering in the Spanish-American concerns, was quite prepared to veto such interference. He thought, however, that 'it would be far more conciliatory and more effectual for every purpose, excepting to gratify those who wish to push us to a quarrel, to communicate verbally either with M. de Polignac [the French ambassador] or with the ministers at Paris, and if there be real ground for uneasiness, explain it to them and call for an explanation of their conduct.'[4] Canning adopted this course, and had a

[1] *Wellington Despatches*, i. 640.
[2] Stapleton, *Political Life of Canning*, ii. 19.
[3] Yonge's *Liverpool*, ii. 232–3.
[4] *Wellington Despatches*, ii. 135.

conversation with Polignac on October 9, in which he told him that the British Government could not see any part of the Spanish colonies transferred to any other power with indifference, and that it would consider any foreign interference, by force or by menace, in the dispute between Spain and the colonies, as a motive for recognising the latter without delay. Polignac replied that his government regarded the reduction of Spanish America as utterly hopeless, and had no intention or desire to appropriate any part of it.[1]

Some time before this (on August 20) Canning had proposed to Rush, the United States minister, a joint declaration by Great Britain and the United States, that they did not aim at the possession of any portion of the Spanish colonies themselves and could not see any part of them transferred to any other power with indifference. Rush reported this overture to Washington, but offered to take the responsibility of agreeing to it if Great Britain would recognise the Spanish-American States. That was more than Canning could promise, and the matter dropped.[2]

At Washington it was decided that (in J. Q. Adams's words) 'it would be more candid, as well as more dignified, to avow our principles explicitly to Russia and France, than to come in as a cockboat in the wake of the British man-of war.' The avowal was made in the President's message to Congress on December 2, which developed what has since been known as the Monroe doctrine. 'With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly

[1] Stapleton, *Political Life of Canning*, ii. 26.

[2] Rush, *The Court of London from* 1819 *to* 1825, p. 376.

disposition towards the United States.' So ran the part of the message which had reference to this particular question.[1]

The declaration was hailed by Brougham as decisive for South American independence. And Canning himself wrote (December 31): 'They have aided us materially. The Congress was broken in all its limbs before, but the President's speech gives it the *coup de grâce*.'[2] But taking the Monroe doctrine as a whole, it does not seem that Mr. Bayard was warranted in speaking of it (in 1887) as announced at the instance and with the moral support and approval of the British Government.

The fact is, there was too much rivalry between the two governments for cordial co-operation. Take, for instance, the question of Cuba. While Wellington was at Verona, Canning wrote to him (November 8, 1822): 'I hope I may not have to tell you, before your return, that the Yankees have occupied Cuba; a blow which I do not know how we can prevent, but which as a government I hardly know how we should survive, if we do nothing to compensate it to ourselves.' Wellington's reply was: 'In general I should say that the American example is one to be avoided rather than followed; and I am not certain that I would not prefer to forbid them to take Cuba than to follow their example by taking Puerto Rico.'[3]

The question continued to weigh on Canning's mind, and in May 1824 he went so far as to offer to enter into a formal engagement with Spain that the British navy should defend Cuba against any *external* aggression, if Spain would recognise the independence of the revolted colonies.[4] Happily the offer was declined. In February 1825 Polignac reported to his government that Canning was said to have been trying to buy Cuba, and would rather see France acquire it than the United States.[5]

[1] Foster, *A Century of American Diplomacy*, p. 442–450. Cf. Mr. W. C. Ford's articles on J. Q. Adams and the Monroe doctrine, in the *American Historical Review*, July and October 1902.

[2] Stapleton, *George Canning and his Times*, p. 395.

[3] *Wellington Despatches*, i. 511, 545.

[4] Stapleton, *Political Life of Canning*, ii. 55. [5] Villèle *Mémoires*, v. 160.

There was no less jealousy at Washington lest France or England should get possession of the island. The American minister at Madrid was told (April 28, 1823) to let it be known 'that we should consider an attempt to transfer the island, against the will of its inhabitants, as subversive of their rights, no less than of our interests.' Rush represented Canning's overture as prompted wholly by British interests: 'It is France that must not be aggrandised, not South America that must be made free.' Adams wrote: 'The object of Canning appears to have been to obtain some public pledge from the Government of the United States, ostensibly against the forcible interference of the Holy Alliance between Spain and South America, but really or especially against the acquisition to the United States themselves of any part of the Spanish-American possessions.' [1]

The Congress to which Canning referred in the letter above quoted as 'broken in all its limbs' was to be held at Paris, 'to aid Spain in adjusting the affairs of the revolted colonies in America.' It was meant to restrain England from recognition, and perhaps to secure a European mandate for French intervention. The proposal was put forward by the King of Spain, but it originated with Russia. The British Government declined to take part in it, and practically nothing came of it. Wellington told the Russian ambassador frankly 'that we were the only power which had any influence in this question, and that they had no right to call upon us to go into a conference to decide in what manner that influence should be exerted, when it was well known that over the decisions of that conference we should have no influence whatever.' [2]

In acquainting the Spanish minister with the decision of the British Government on this point, Canning had informed him (in January 1824) that it had no wish to anticipate Spain in the recognition of the South American States, and would

[1] W. C. Ford, 'John Quincy Adams and the Monroe Doctrine,' *American Historical Review*, vii. 680.

[2] *Wellington Despatches*, ii. 190.

willingly aid Spain in a negotiation on the basis of independence; but that before many months 'considerations regarding not only the essential interests of His Majesty's subjects, but the relations of the Old World with the New,' might forbid any further postponement in the case of those States which had established *de facto* their political existence. In March papers were presented to Parliament which made all the world acquainted with this notification, and also with Canning's conversation with Polignac in the previous October. This, as Canning afterwards remarked, 'sealed the fate of the question.'[1]

The Spanish ministers sought to gain time by assurances that British interests were in no danger; but the considerations to which Canning had pointed hastened matters. In July he proposed that recognition should be given to Buenos Ayres and Colombia by negotiating commercial treaties with them. Wellington and other members of the Cabinet opposed this step, and urged that while Bolivar with the Colombian army was fighting in Peru, and the result was doubtful, Colombia itself could not be regarded as securely established. It was decided, therefore, to wait for the reports of commissioners who had been sent to Mexico and Colombia, and to recognise at present only Buenos Ayres, which had a settled government, and had long been free from Spanish troops. Full powers were sent to the British consul to negotiate a treaty, but the step was kept secret. At this very time in fact Villèle was writing to Polignac that in the actual state of the Spanish colonies recognition would bring discredit without benefit, and that the English Government was too enlightened to do such a thing.[2]

The victory of Ayacucho (December 9, 1824) decided the fate of Peru, and practically ended the War of Independence. But before the news of it reached England further steps towards recognition had been taken. In a 'memorandum

[1] Stapleton, *George Canning and his Times*, p. 403.
[2] Villèle, *Mèmoires*, v. 92.

on our relations with the Spanish American Provinces,'[1] circulated among the Cabinet at the end of November, it was pointed out that these States could, if they chose, force recognition by putting high duties on imports from non-recognising powers. If this were done, the result would be to throw the wealth, power, and influence of those countries into the hands of the people of the United States. It would be better, therefore, to recognise them before it became evident that we were doing it under compulsion.

Wellington still maintained that 'in a view to our own internal situation,[2] to our relations with foreign powers, to our former and to our existing relations with Spain, considering the mode in which the contests with these States had been carried on, and to our own honour and good name, the longer the establishment of such relations is delayed the better.'[3] But after long discussions it was decided that commercial treaties should be negotiated with Mexico and Colombia as had been done with Buenos Ayres.

The king reluctantly assented (December 17), and in doing so he said: 'The king wishes that these measures should stand on the ground of the interests of his subjects, and not as measures of war or retaliation against other powers; and that they should not be put forth to the world as having any other objects in view than those which the king has stated as his motive for assenting to them.'[4] In submitting the matter to him Canning had laid great stress on the *indefinite* military occupation of Cadiz and other Spanish fortresses by France. Spain, he argued, could no longer be considered as a free agent; her foreign policy was

[1] This is attributed to Lord Liverpool in Yonge's life of him (ii. 297), and also in Canning's letter to the king (*George Canning*, p. 407); but Canning's note of November 30 to Wellington implies that he was himself the writer (*Wellington Despatches*, ii. 354).

[2] He wrote to Peel (December 30): 'We are going to bring the rebel Bolivar and the rebel State of Colombia into diplomatic relations with His Majesty at the very moment in which we prosecute Mr. O'Connell for holding them up as an example to the people of Ireland' (*Ibid.* p. 385).

[3] *Ibid.* p. 364.

[4] *Ibid.* p. 368.

essentially French; and it became the duty of the British Government to prevent Spanish America from being brought within the same subjection.[1]

A week before, he had told Lord Granville, the ambassador at Paris, to ask the French ministers for a positive disavowal of any design of retaining Cadiz, and for a fixed term for the evacuation of it and the other fortresses. Their answer was that the duration of the French occupation must depend on the will and pleasure of France and Spain.[2] Canning was in fact well aware of their wish to withdraw, but the state of Spain made it difficult to fix a date.

On December 17 Canning wrote again to Granville: 'The fight has been hard, but it is won. The deed is done. The nail is driven. Spanish America is free; and if we do not mismanage our matters sadly, she is English, and 'novus sæclorum nascitur ordo.' . . . Now you will understand why I set you upon Damas and Villèle for the answer about Spain. You see the use that it has been turned to in the minute. It was no less useful in discussion. We—that is L[iverpool] and I—had made up our minds to be satisfied with Mexico. But your despatch enabled us to carry Colombia too. Now that it has done its work, I do not want to persecute Villèle with this question, nor to get any ill-humour into the discussion.'[3]

Lord Dalling has spoken of 'the adroit adaptations of means to ends, the clever profiting by times and occasions' which characterised Canning.[4] This is an example of them. It certainly smacks also of the insincerity which Croker complained of.

On January 1, 1825, Canning informed the foreign ambassadors of the measures that had been taken, and they were announced to Parliament a month afterwards. There they met with general approval, the Opposition confining itself to criticism of the long delay in recognition, and the particular

[1] Stapleton, *George Canning and his Times*, p. 407–411.
[2] *Ibid.* p. 488. [3] *Ibid.* p. 412.
[4] Bulwer, *Historical Characters*, p. 431.

method adopted. Russia, Austria, and Prussia expressed their deep regret at a step which 'gave a final blow to the interests of Spain in the New World, and tended to encourage the revolutionary spirit which it had been found so difficult to restrain in Europe,' but took no further action. Spain made a formal protest, and drew from Canning a long justification in which he brought forward abundant precedent for the recognition of *de facto* governments.[1]

The commercial treaties were negotiated, and the envoys from Colombia and Buenos Ayres were received very graciously by George IV. before the end of the year. By that time the king had come to the conclusion that his fears of trouble with the Continental powers were groundless, and his dislike of Canning was changing into admiration and attachment. The minister did not disdain the aid of Lady Conyngham to win his way into the king's good graces.[2]

In the autumn of 1826 Canning went to Paris and had several conferences with Villèle. Some French troops were still in Spain, and though Villèle was eager to withdraw them, circumstances hindered him. New complications now arose. In Portugal British influence had been exerted more successfully than in Spain, and had brought about a peaceful separation between Portugal and Brazil. On the death of John VI., in March 1826, his son Pedro, Emperor of Brazil, succeeded him, but being unwilling to leave Brazil he renounced the Portuguese crown in favour of his daughter, after granting a constitution which was brought from Rio to Lisbon by the British minister, Sir Charles Stuart. The enemies of this constitution rallied round Pedro's brother, Miguel, and the support given to them by the Spanish government brought Spain and Portugal to the brink of war. Portuguese deserters were allowed to recross the frontier as armed corps to serve as a nucleus for insurrection.

Portugal appealed to England for the assistance which she was bound by treaty to furnish against external aggres-

[1] Stapleton, *Political Life of Canning*, ii. 79–92.
[2] Bulwer, *Historical Characters*, p. 449.

sion. On this point there was no difference of opinion in the British Cabinet. On December 11, 1826, Canning brought down to the House of Commons a message from the king, and next day 5,000 men were on the way to Lisbon.

In moving the address in reply to the king's message, Canning went back to the line of argument he had followed three years before, but with a significant change. At that time (April, 1823) he had given it as a strong reason why England should not assist Spain to repel the French invasion, that in such a war all the weapons of insurrection would inevitably come into play, and it was not for England, which had so long fought against Jacobins and Anarchists, to bring about this result. Her part was to hold the balance between conflicting principles. He now adverted once more to these consequences of a war of opinions, but this time it was to warn foreign nations that 'this country (however earnestly she may endeavour to avoid it) could not, in such case, avoid seeing ranked under her banners all the restless and dissatisfied of any nation with which she might come in conflict.' [1] It was a line of argument not much to the taste of his colleagues. Wellington's comment was: 'We pass in Europe for a Jacobin club. However, as yet we have only boasted that we are such a body. Our acts do not yet prove it.' [2]

In Parliament there was no opposition worth mentioning to the course which the government had decided on. But some speakers referred, by way of either praise or blame, to the neutrality which had been adopted when France invaded Spain. Canning seized the opportunity to vindicate his foreign policy. He owned that he had always regarded the French occupation of Spain as a disparagement and an affront to England. But 'whatever effect a war commenced upon the mere ground of the entry of a French army into Spain might have, it would probably not have had the effect of getting that army out again. . . . Was there no other mode

[1] Stapleton, *Political Life of Canning*, iii. 223.
[2] *Wellington Despatches*, iii. 500.

of resistance than by a direct attack upon France, or by a war to be undertaken on the soil of Spain?

'What if the possession of Spain might be rendered harmless as regards us—and valueless to the possessors; might not compensation for disparagement be obtained, and the policy of our ancestors vindicated, by means better adapted to the present time? If France occupied Spain, was it necessary, in order to avoid the consequences of that occupation, that we should blockade Cadiz? No. I looked another way—I sought materials of compensation in another hemisphere. Contemplating Spain, such as our ancestors had known her, I resolved that if France had Spain, it should not be Spain *with the Indies*. I called the New World into existence to redress the balance of the Old.'[1]

Few phrases have been more often quoted, yet perhaps never was a phrase more hollow. Sir James Graham spoke of it as a proof of the excitement Canning had produced in his audience that they were ripe for such a boast.[2] It was not Canning who had called the new States into existence; it was they themselves. In recognising them we followed the example of the United States, and did so mainly for commercial reasons. Before the French invasion of Spain Canning was taking steps in that direction. The one great service we had rendered them was in saying 'Hands off!' to France; but here also the United States must share the credit, and it was in no special sense Canning's work. His language went counter to the proviso which George IV. had attached to his assent to the commercial treaties, that they should not be put forth to the world as measures of retaliation. It implied also that Canning would view with equanimity a permanent occupation of Spain (without the Indies) by France, which was very far from being the case.

Canning knew that it had been intimated to the King of Spain that the French troops would be withdrawn in April, but he treated his knowledge as confidential. 'Had I felt

[1] Stapleton, *Political Life of Canning*, iii. 227–234.
[2] T. Moore, *Diary*, p. 427.

myself authorised to affirm that the period of evacuation was fixed and certain, I should have had no need of any other defence,' he wrote to Granville (Dec. 14). In the absence of such authority, 'I was obliged to justify in the best manner I could . . . our tame acquiescence in the continuance of the French army in Spain.' He owned that, personally, he could not regret the extremity to which he was driven: 'for if I know anything of the House of Commons from thirty-three years' experience, or if I may trust to what reaches me in reports of feelings out of doors, the declaration of the obvious but unsuspected truth that "I called the New World into existence to redress the balance of the Old," has been more grateful to English ears and to English feelings ten thousand times, than would have been the most satisfactory announcement of the intention of the French Government to withdraw its army from Spain.'[1]

However grateful to English ears and conducive to his own popularity, Canning's vindication was not needed to justify the sending of troops to Portugal. That was a step which all parties at home approved, and which Damas, the French Foreign Minister, defended as a compliance with treaty obligations. The Villèle ministry had blamed the proceedings of Spain, and had recalled their ambassador Moustier, who had secretly encouraged those proceedings. It is true Villèle stood in need of support against the ultras, who had the ear of Charles X., but support was furnished by the vigorous action of Great Britain, and Canning's language proved rather an embarrassment, giving a handle to extremists.

Regarded as a mere rhetorical flourish to serve a momentary purpose, it would not be worth while to dwell upon it; but his letters already quoted show that his words represented a genuine conviction. Carried away by a lively imagination, he did not see facts in a dry light. He exaggerated the value of the work done, and his own share in the doing of it. As regards the former, the new American

[1] Stapleton, *George Canning and his Times*, p. 546.

States were a broken reed to lean upon, to redress the European balance. They had no sooner left off fighting the Spaniards than they began to fight among themselves. Their republican constitutions were superseded by military dictatorships, and their federations were dissolved.[1] Six years after our recognition of them the trade of Great Britain (imports and exports) with La Plata, Mexico, and Colombia was under three millions, only one fourth of her trade with the British West Indies, and one fortieth of her whole trade. Colombia and La Plata had ceased to pay any interest on their debt.

This by no means proves that our recognition of them was a mistake, but it was no great matter for triumph. Mr. Fyffe has remarked: 'There is indeed little doubt that the independence of the Spanish colonies would have been recognised by Great Britain soon after the war of 1823, whoever might have been our Minister for Foreign Affairs; but this recognition was a different matter in the hands of Canning from what it would have been in the hands of his predecessor. The contrast between the two men was one of spirit rather than of avowed rules of action. Where Castlereagh offered apologies to the Continental sovereigns, Canning uttered defiance.[2]

The result of Canning's methods, alike in the Spanish and the Greek question, was to provoke sharp personal antagonism between him and Metternich. To the latter Canning was the 'scourge of the world,' a malevolent meteor hurled by Providence upon England and Europe.[3] Canning in turn regarded Metternich as 'the greatest r—— and l—— on the Continent, perhaps in the civilised world.'[4] These antipathies separated England from the ally with whom on the whole she had most interests in common, and served the purposes of Russia in her dealings with Turkey. Two of

[1] See chap. xi. of *The Columbian and Venezuelan Republics*, by W. L. Scruggs (1900).

[2] Fyffe, *Modern Europe*, p. 517. [3] Metternich's *Memoirs*, iv. 324 and 392.

[3] Stapleton, *George Canning and his Times*, p. 427.

Canning's adherents—Palmerston and Stratford de Redcliffe —laboured hard in later life to recover some of the ground which he had enabled Russia to gain. At home, the stimulus which he gave to liberalism hastened the advent of Reform, to which he was always opposed, and the break-up of the party to which he had always belonged.

His wit, his eloquence, his high spirit, and his quick sympathy with public opinion made Canning a statesman of whom his countrymen are justly proud, but the qualities which make a successful leader of the House of Commons are not those which are most essential for a Minister of Foreign Affairs.

APPENDIX

The following extracts from unpublished letters throw light on the currents of opinion in England, and the mixture of motives in favour of the recognition of the Spanish-American States. They were written to a lady who was living at Bogotà, where she acted as agent for a London firm. She was the widow of an officer who had taken out a British legion to Venezuela in 1819 (see 'Wellington Despatches,' third series, vol. ii. pp. 116–126). The writers were Sir William Adams, a well-known oculist, who had thrown himself into American speculation, and Sir Robert Wilson, M.P. for Southwark, who was the ardent champion of liberty all over the world. He had gone to Spain in 1823, to help the Spaniards in resisting the French invasion.

Sir William Adams to Mrs. English

September 8, 1824—[In a previous letter] 'I recommended your advising the Executive securing to the Nation the produce of all Platina mines discovered in future (and an abundance may be found if looked after), as the Gold Mines found in Great Britain are secured to the Crown—instance, the Gold Mines of Wicklow. Among other reasons for this measure is the *certainty* that, in consequence of the enormous quantities of silver which will be imported into Europe when the Mexican and Peruvian mines are properly worked, that metal will cease to be a *precious metal*, and it is my opinion as

well as that of very competent judges equally as my own that in twenty years hence the Governments of Europe will be obliged to alter their metallic currency, and consequently, if so, Platina *must be* the substitute.

'I also requested you to secure the enclosed patents for tanning, which will be of immense importance to Columbia, as, from the quantities of Hides she produces, she will be enabled by tanning them herself to supply most of the other States. After securing the Patents I requested you to endeavour to sell them, and we would assign to you five per cent. of the net produce of the sale, but do not sell them without communicating first to us. I say *we* because I have a third part of the Patent, which I flatter myself will in no degree check the natural energy of your mind and exertions in effecting the most beneficial arrangement and sale. I will, as soon as I can, procure specimens and forward them to you, but in the interim it will be enough for you to guarantee that the article shall be *perfect*, that is, superior to anything ever seen in Columbia, and equal to the very best ever made in England, and vastly superior to that generally procured here at present. Within the last two months the Patent was sold in France for 40,000*l.*, after the leather had undergone the strictest scrutiny of Chaptal and the first Chemists and Tanners in Paris. The Patentees (one of whom is Perkins *my Partner*) expect 500,000*l.* for their Patent in England. I think that you ought to sell it for 120,000*l.* in Columbia. Get the Government to purchase it and grant Licences to Tanners, whereby they would vastly increase the Revenue and add to the general prosperity of the nation.

'I also requested you to obtain a Patent for Perkins's High Pressure Steam Engine and Rotatory Scull for propelling Steam-Boats *in all the waters and seas of Columbia*. He is my Partner and I purchased one third of his Patents. You will perceive, by the inclosed *Proofsheet* of remarks which I have hastily thrown together, the nature of this invention. His system of Engine-propelling means and boat building altogether constitute the most perfect system that the world has ever seen or the human mind can imagine. He has made contracts to build boats for the Ganges which will not draw above twelve or fourteen inches of water, therefore most peculiarly well adapted for the Columbian inland Rivers, especially the Magdalena. . . . I reserve the last part of this letter for a subject in which I am, as by Lady Adams's letters you will find she also is, *most interested*, namely for you to exert your influence in inducing the Columbian Government to invest their loose money in Cockburn's

and Peel's Bank. Sir Robert Peel, the father of the Minister, has established a Bank for the benefit of his grandchildren, to which belong the children of Dean Cockburn. His brothers, General Sir James C., Paymaster of Marines, and Admiral Sir George C., one of the Lords of the Admiralty, are acting Partners. It is called the "Government Bank" from the exertions made by the Government People to support it. Mr. Canning, out of compliment to his Colleague, the Minister Peel, keeps his money in this Bank. Now, they are all (especially the Cockburns) the warmest friends of South American Independence, and are particularly anxious to cultivate relations and connection with the new States. It is needless for me to point out the immense advantages to Columbia in having such a connection as their Patrons and friends, for the Peels have decidedly the greatest influence of any single family in England. The Minister is the personal friend of the Duke of York, and will be Prime Minister when the King dies. And moreover look at the respectability of drawing upon the *Government Bank* instead of a *Jew*, who is perfectly understood to be one both in heart and principle and who no doubt employs Columbian money at 4 per cent., and as he is a great Speculator in Foreign Loans (having the Columbian, Mexican, and Portuguese Loans, and having also been tampering with the Spaniards), if any Loan should go *very wrong* probably *all* his creditors "would get in for it." Now no such fears *could* for a moment be entertained in *Peel's Bank* (half a million being Sir Robert's portion), while for their own interests' sake they will as a matter of course do all in their power to promote the views and objects of Columbia in every shape and form, and if they could execute commissions for arms, clothing, &c., of course they would do so on receiving a commission for their trouble. . . .'

October 2, 1824. . . . 'I have written to you twice about Cockburn's House for you to try to get the money of the Loan deposited in their hands, as well as the supply of arms, stores, &c. The benefit to South American interests generally will be greatly benefitted (*sic*) by such a connection, for it is human nature that those who profit by the prosperity of any nation or set of nations will do all in their power to promote that prosperity. Now that the Peels and Cockburns have that power is as obvious as the noonday, as also that Jews and merchants do not possess it, while their principle is to get *all they can* out of their customers, and it is not considered *a sin* to make a *rich customer* pay *the highest price* for every article. Now in conversation with Sir James yesterday he declared that in any

supplies he might furnish he never would permit the inordinate profits to be put upon the articles which it was understood the new Governments have had hitherto to pay, and he said that he would feel himself conscientiously bound to procure the very best and most useful kinds of articles that this country could afford. Now this [is] the true patriotic spirit for the new States to deal with, and with what confidence and pleasure must they enter into correspondence with men who feel and act up to such principles! As a proof of the sincerity of Sir James's disinterested friendship to South America (for he is *almost* as great a zealot in the cause as your humble servant) he hesitated exceedingly in acquiescing in the Platina because he thought that it would not be beneficial to Columbia to introduce anything new which might bring upon her either the jealousy or disapprobation of older States. But when I explained that it was to liberate the gold and silver for exportation and to be confined to Columbia, he immediately gave it his warmest approbation, declaring that no benefit to the House should ever induce him to recommend a measure hostile to the interests of the New World. This is the right and proper feeling to be entertained by Capitalists in this country towards the new States, who have it fully in their power most liberally to repay those who exercise these feelings towards them. . . .

'The inclosed speech of Lord Liverpool his Lordship read over and corrected in manuscript at my instance, while the Marquis of Lansdowne almost wrote his over entirely after the shorthand-writer had taken it in full. I was fully employed for a fortnight in obtaining data for his Lordship, giving him all my manuscript reports, &c. . . . We are most anxiously waiting for [news of] Bolivar. Upon his exertions depends the decision of Ministers to act immediately. Iturbide being dead, the expulsion of the Spaniards from Peru is all that is further required by the Chancellor and his party in the Cabinet to recognise the new States.'

February 15, 1826 [after announcing the failure of Mr. B. A. Goldsmidt]. 'You recollect, my dear Madam, what I wrote to you respecting Cockburn's Bank this time twelve months. Refer to my letters and see what I then anticipated as being possible to happen, and how much the Colombian Government have to regret not acting upon the suggestion. As may well be supposed, the consternation in the Foreign market *is extreme*. The Colombian 6 per cent. stock is at 36 or 38—Mexican at 42. It is furthermore stated that the whole of the Colombian money left for dividends, &c. was in Goldsmidt's hands, so that there will be nothing left to pay the half-yearly

dividends. Consols are at 73, and are expected to go down still lower. In fact such distress, misery, and confusion now existing in the City was scarcely ever before witnessed.'

Sir Robert Wilson to Mrs. English

June 5, 1824 . . . 'Columbia seems to be quite at peace, but I hope she will avoid the dangers of security. Whilst there is a Spanish or Portuguese flag on the Main, whilst Mexico is unsettled, whilst the Havannah and Porto Rico are *Inquisition* stations, she must keep armed. The recognition of Independence by England, and her subsequent treaties, will be determined very much by the power of Columbia to maintain it. Force, not weakness, is the bond of union between States. I am sure Canning is quite sincere in his wish to cultivate a good understanding with a free S. America, and resolution to protect the Western Hemisphere from the vows and machinations of the Holy Alliance.

'The Brazils is the only part respecting which I feel uneasy. Who can have confidence in the existing state of things? But perhaps some permanent arrangement may be made under the auspices of England. Spain is in a wretched state. Portugal has just been menaced with a Tyger government. The young savage is, however, exiled; but what a wretched scene does Portugal present and what a sorry prospect! These misfortunes might have all been prevented if France and the Holies had been restrained in their wicked enterprize, but the Castlereagh system was still too much in force, and Canning not sufficiently in the saddle to check the Court. He is now in greater strength, and I have no doubt will be prime minister very soon, for Lord Liverpool's health is too bad for much longer attention to business.'

October 9, 1824 . . . 'I trust the moment is now arrived when the recognition of Columbia will crown General Bolivar's glory, for that recognition is the seal of S. A. Independence. The struggle in Peru has been full of anxiety, but it has greatly added to the Liberador's reputation as a general and a statesman. S. A. has now nothing to fear from an invading force of Spain or the H. A. Let her only guard against internal innovations and Papal fetters of the mind. The Theocracy is the great power which both worlds have to fear most, but, as I have written to Belford,[1] its energies are on the continent making immense efforts with the hope of extending its recuperations to the former colonies of Spain and then anatomising

[1] His son, aide-de-camp to Bolivar.

the system of civil and religious Liberty so happily establishing here. Spain is in a more fearful state of anarchy than ever, but cannot remain long in such a state without the intervention of England, either to insist on a constitutional march of the Government under favor of French garrisons for a given period, or on the evacuation of Spain to give the Spaniards the opportunity of settling their own differences, which will be very soon done by the expulsion of Ferdinand and the Apostolick Junta. I suspect the last measure will be the one adopted, so that Russia may have no pretext to send her contingent in copartnership with France, which is the great object of Russia.

'France *seems* quiet and pleased with Charles X., who has gracious manners, but France is so politically an abject county that there is no ascertaining a real state of feeling. The Continent is quiet under Alexander's rod, and Greece, under the most extraordinary circumstances that seemed to render her success impossible, has all *but* established her freedom. Here again I believe Canning's policy has discomfited the Russian autocrat's intention, and repaired in great measure the wrongs done under the Diplomacy of his Predecessor. He is certainly the most popular man now in Europe, and what adds to his Honor is his proscription by the H. A. as the Chef des Jacobins. It is the pet term of all the Inquisitors' agents when his name is mentioned. Nothing has more convinced me that he is a British minister in every sense of the word. . . .'

March 27, 1825. . . . 'You will have seen that I have undertaken the duty of a Director of the Columbian Association. I did so more for the ambition of rendering service than deriving benefit, but I have now also reason to think the connexion will be advantageous as an investment.[1] . . . I consider England must be henceforth the advanced fortress of South America. Continental connexions will only be secondary to that Policy. The national judgment is in unequivocal unison with this new alliance, and all our thoughts and energies are fixed upon such operating in favour of the New World. Our enemies in Europe may say "that our liberality is selfish." Be it so in some respects, but that selfishness is the best security for the foundation and preservation of our relations. With the high feeling generated by conquest, the Patriotism and Power of Free Institutions, Steam and British Capital, South America advances to her maturity with hitherto unparalleled speed and solidity of

[1] On September 24, 1827, he wrote:—'Our C. A. Association has failed entirely, leaving me a loser of 1,250*l.*, and many of the Directors several thousands.'

growth. Canning has been in this instance the most fortunate, and truly, considering the adverse spirit he had to encounter in certain quarters, the most deserving of our statesmen. Russia grumbles, France intrigues, Spain writhes, but I do not expect war to be immediate. The governments know that *they are* at war with *their people*, and that their existence depends upon our fiat. The India news keeps up their spirits a little, and they flatter themselves Ireland will be an auxiliary, but I have no apprehensions that they will be able to profit by either *Lottery*. We have great means to deploy when pressed, and we can by conciliation secure Ireland at any time. It is much to be hoped the moment is arrived.

'I have no positive direct advices from the Brazils, but I hear from very good sources Don Pedro is playing the autocrat and Fool. I consider that establishment as one of *Passage*, and the sooner it is a matter of past history the better, for the Holy Allies will have a friend and agent the less. Whilst anything is to be done new States like Columbia and her sisterhood must consider nothing is done, and therefore I hope they will not yet sing Te Deum, and disband and sleep. France is in Spain, and Spain has Porto Rico and the Havannah open to receive Frenchmen! There must be a new disposition of these offensive points before the hour of repose can be permitted. I say nothing of Chiloe and St. Jean d'Ulloa, for I conceive they of course engage full attention, and will be occupied without pause. Spain still flatters herself she may establish her Princes in the New World, but her financial distress will almost oblige her to barter crowns and pretensions for dollars. Those, however, she will never get over till the French are clear of the Peninsula, and till the Cortes loans are recognised, for what Treaty can be valid when such a monstrous breach of faith is maintained? England is prospering to the greatest degree, not only in her commerce, trade, agriculture, and every branch of Revenue, but in her credit abroad and liberty of system at home. It is a complete reform, and Philosophy and Liberty are in full career of action.'

THE HOLY MAID OF KENT

By A. DENTON CHENEY, F.R.Hist.S.

Read March 17, 1904

ON the range of Quarry hills, midway between Lympne and Aldington, overlooking the vast expanse of Romney Marsh, lies the little hamlet of Court-at-Street, and in the fields below, belonging to the manor farm, the considerable remains of the ancient chapel. It is as quiet and pastoral a spot as you will find in all England, yet the scene of an event which has made an indelible mark upon the history of our country.

It is conjectured that in ancient times the Roman town of Billerica covered the site of the hamlet, and the southern slope of its declivity towards the marsh, and the origin of its name is found in the Roman road or 'street' which ran from the Portus Lemanus to the west.[1] In digging some deep drains at Court-at-Street some fifty years ago great quantities of Roman tiles were found; and in 1850 a Saxon burial-place was discovered on Marwood farm in this district. In Domesday it is recorded that 'Hugo de Manneville holds of Hugo, Estraites. . . . There is a church and seven servants and thirty acres of meadow.'

[1] 'In the 15th *Iter* of Richard of Cirencester, Lymne is approached from the west by way of Chichester and Pevensey (Anderida). The station, or resting-place, next to Pevensey, is written "ad Lemanum," at the distance from the haven of Anderida of twenty-five miles, and to the port of Lymne (or, as written, the Lemanian Port) ten miles. Facing the entrance (to Studfall Castle) in the western wall, opposite to the Decuman gate, runs a straight ridge of land westward, which may possibly be the line of the ancient road to the Ad Lemanum of Richard of Cirencester.'—*Antiquities of Lymne*, by Charles Roach Smith.

Leland refers to the local tradition that there was formerly an important town here, which was destroyed by the Danes in A.D. 893, but though the inhabitants showed that they bore a mace and a horn, badges of incorporation, he is inclined to believe that it was but a part of the port of Lymne. Be this as it may, and there is considerable evidence that the whole of this countryside was far more populous in early times than it is at the present day, this much is certain, viz. that in mediæval days there existed a fortified manor-house,[1] a church or chapel, and some minor dwellings. About the end of the fifteenth or early in the sixteenth century, this part of Kent seems to have suffered severe depression and consequent depopulation, for within a space of a few miles we meet with numerous instances of ruined and abandoned churches. West Hythe, Hurst, Orgarswick, Blackmanstone, Eastbridge, Westenhanger, all show ruins or sites of ancient churches, which fell into decay during the first half of the sixteenth century, or thereabouts; but there is this difference between these and Court-at-Street, viz. that whilst they were all rectories,[2] the latter never rose beyond the dignity of a chapel.[3] Nor do I think that it was a chapel in the same sense that Smeeth was a chapel attached to Aldington, and Stanford a chapel to Lyminge; on the contrary it seems to have possessed that measure of independence appertaining to what were known as free chapels, which were all swept away, to the number of 2,374 (together with 90 colleges and 110 hospitals), by the iniquitous Act 2 Edw. VI. 'Free chapels were places of religious worship, exempt from all jurisdiction of the ordinary, save only that the incumbents were generally instituted by the bishop, and inducted by the archdeacon of the place; most of these chapels were built upon manors and ancient demesnes of the

[1] In the reign of Edward II., John de Hadlow had license to fortify and embattle his house here. (Ireland's *History of Kent.*)

[2] See appendix, note *A*.

[3] Hasted gives lists of the rectors of these churches for centuries (even after they had been in ruins), but no mention is made of any incumbents of Court-at-Street, nor does its name appear in the inventories of church goods of 1552.

Crown, whilst in the king's hands, for the use of himself and retinue when he came to reside there. And when the Crown parted with those estates the chapels went along with them, and retained their first freedom; but some lords had free chapels in manors that do not appear to have been ancient demesnes of the Crown, such are thought to have been built and privileged by grants from the Crown.'[1] Fuller[2] describes free chapels as institutions 'of a more substantial and firm constitution (than the chantries), and more independent, because they were, as their name imports, free from the parochial and other churches.'[3] There is no evidence that the rectors of Lympne or Aldington held any jurisdiction over the chapel of Court-at-Street, and although there is no trace of the manor having belonged to the Crown, the chapel may well have been attached to the castle, or fortified manor-house, which stood hard by. It had, however, shared in the general decay, and at the beginning of the sixteenth century was the abode of a hermit, who was not a priest, and could not therefore say mass or administer the sacraments.[4]

About this time, however, the normal quietude of the village of Aldington was broken by reports of the wonderful sayings of a maid named Elizabeth Barton, servant to Thomas Cobb, the bailiff or steward of the large estates attached to the palace here of the archbishops of Canterbury, the scanty remains of which are now incorporated in the farmhouse adjoining the church.[5] About the time of Easter, in the year 1525, Elizabeth, always a girl of delicate health, was seized with a severe illness, which lasted for several months, during the course of which she, whilst apparently in a trance, foretold coming events. During one of these seizures she declared that the Blessed Virgin had appeared to her and directed

[1] Tanner's *Notitia*, ed. 1787, p. xviii. [2] *History of Abbeys*, fol. 351.

[3] Taylor, *Index Mon.*, Intro. Cf. Note *B* in the appendix.

[4] On the south side of the ruined chapel may still be seen remains of what may have been the cell of this anchorite. (See descriptions of these cells in *Anchoresses of the West.*)

[5] Cobb Hall still stands; a picturesque half-timbered house, retaining in its interior some vestiges of its former importance.

her to visit the chapel at Court-at-Street, and she should there be cured. Meanwhile her predictions, and apparently their fulfilment in many instances, had made her famous throughout the district, and Richard Masters, rector of Aldington, had brought the matter before Warham, archbishop of Canterbury, who had appointed a commission of clergy to examine and enquire. Their report was favourable, and the excitement rose to fever heat. In the words of Lambarde (who wrote his 'Perambulations in Kent' in 1570, and published them in 1596): 'At her next voyage to Our Lady of Court up Strete, she entered the chappell with Ave Regina Cælorum in pricksong [1] accompanied with these commissioners, many ladies, gentlemen, and gentlewomen of the best degree, and 3,000 persons besides of the common sort of people.' Mass was celebrated at the shrine, and the maid, after falling into one of her trances, was publicly healed and restored to health. Subsequently she declared that the Blessed Virgin Mary desired that her shrine at Court-at-Street should be honoured and supported with greater generosity, and that she herself should enter a convent. All of which duly came to pass. The chapel became a noted place of pilgrimage; the hermit 'was enriched,' says Lambarde, 'by daily offering,' a chaplain was appointed to say mass,[2] and the building itself placed in good repair. There is an interesting letter in the contemporary 'State Papers'[3] from Thos. Goldwell to his father, from Padua, where he was probably a student, giving directions for the expenditure of a sum of 10*l.* due to him on St. George's day. He desires him to provide a dinner for the poor of the parish, 'common haunters of the alehouses to have nothing,' a good dinner at the parsonage (Great Chart, near Ashford, Kent) 'to his cousin Honywood and the honest men of the parish, and to erect a ceiling over the high altar in the parish church,

[1] Appendix, note *C.*

[2] 'Sir William, priest of Our Lady chapel at Court-at-Street.' *Cal. of State Papers*, vi. No. 1468.

[3] *Calendar*, vol. xiii. pt. i. No. 85.

either with lime and hair as the chapel at Court up Strete, or with boards, as he thinks best.' The letter is dated April 20, 1538. Evidently the ceiling of Our Lady's chapel was of more than usual splendour ; the sum placed at the disposal of Mr. Goldwell, equivalent to at least 200*l.* of our money, would be ample, after providing for two dinners, to handsomely ceil the space over the high altar. To return to Elizabeth Barton. Acting doubtless under the advice of Dr. Bocking, the leading member of the Archbishop's Commission and a monk of the Benedictine Order, she became a nun in the Benedictine convent of St. Sepulchre, near Canterbury. Here she lived for some years, with a high reputation for holiness of life, and for the possession of supernatural powers. Her 'cell at Canterbury,' says Froude, 'for some three years was the Delphic shrine of the Catholic oracle,'[1] and here she might have lived and died in the odour of sanctity, had she not deeply implicated herself in the troublous and dangerous matter of the king's divorce. All England, it might perhaps be said all Europe, was disturbed by the determination of Henry VIII. to rid himself of his wife, Catherine, in order that he might marry Anne Boleyn, and into this matter Elizabeth Barton threw the whole power of her reputation as an inspired prophetess. In public and in private, even in the presence of the king himself, she boldly and vehemently denounced the project and foretold woe and disaster if it should come to pass ; and when, in spite of everything, the queen was put aside, she declared that in the eyes of the Almighty he was no longer king, and would die bereft of his power and authority. It is not to be supposed that Henry, who braved the power of the Pope and cut off his kingdom from the spiritual unity of Christendom, should endure this criticism from a few priests and monks ; moreover, now that the deed was done, there seemed to be politically no other course, for the influence of so renowned a prophetess over a people already stirred to anger by the circumstances of the divorce might easily lead to an insurrection which would have swept

[1] *History of England*, i. 312.

the Tudors from the throne. 'This people,' writes Chapuis, the imperial ambassador, 'is peculiarly credulous, and is easily moved to insurrection by prophecies, and in the present disposition is glad to hear any to the king's disadvantage.'[1] In the latter part of 1533 Cranmer wrote the Prioress of St. Sepulchre's, Canterbury, to 'repair unto me to the manor of Otteford,' and 'bring with you your nun which was some time at Courte up Strete,'[2] and at the end of September Dr. Bocking, Richard Masters, and several other persons were arrested, including Edward Thwaites, a Kentish gentleman who had written a pamphlet containing an account of the 'miracles' at Court-at-Street.[3] So severe was the scrutiny which followed that stringent interrogations were administered as to whom the nun's revelations had been mentioned. For example, it having appeared in the depositions that 'Dr. Bocking showed the revelation . . . to the priors of Leeds and Horton,'[4] we find Lee and Bedyll on December 10, 1533, writing to Cromwell, from Canterbury: 'Our chief reason for remaining here now is also to examine the prior of Horeton, who is detected as a participant of the nun's revelation touching the king's reign and marriage.'[5] There can be no doubt whatever that Cromwell was exceedingly anxious to involve as many as possible of the adherents to Queen Catherine in a supposed conspiracy. Bishop Fisher and Sir Thomas More were included in the subsequent proceedings, though their explanations were finally accepted, and it was fortunate for the queen that she was able to prove that she had never had any personal intercourse with the nun. 'Many think, and even believe,' writes Chapuis, 'that those who now have the nun in their power will make her accuse many people injustly, that they may thus have the occasion and the means of revenging themselves upon those who have supported the queen.'[6] On November 23, the nun and the

[1] *Calendar of Spanish Papers*, 1531–3, No. 1154.
[2] *Cranmer's Remains*, letter xxx.
[3] Appendix, note *D*.
[4] *Cal.* vi. No. 1468.
[5] *Cal.* vi. No. 1511.
[6] *Cal.*, Spain, November 20, 1533.

other accused parties were placed upon a high scaffold at St. Paul's, London, and put to public humiliation, the nun reading a confession of her guilt, in which she took all the blame upon herself, declaring that she was the original of all this mischief, and 'by my falsehood I have deceived all these persons and many more.' They were then taken back to the Tower, and the proceedings against them in the Star Chamber continued. Here, however, the king and Cromwell found insuperable difficulties in the way of obtaining a favourable judgment. The account of these proceedings contained in the letters of Chapuis is of special value as emanating from a well-informed and impartial spectator of events. 'Since my last despatch' (he writes on November 20, 1533), 'the king has called together, besides the members of his ordinary Council, the principal judges of the kingdom, a good many prelates, and a large number of nobility, who have met for three days running from morning till evening, to advise and counsel concerning the crimes, or rather foolish superstition, of the nun and her adherents. . . . The king insists, as much as he possibly can, upon the accomplices of the said nun being at once declared heretics for having attached faith to her prophecies, and being moreover considered guilty of high treason for not having revealed the nun's prognostics about his person.' Again, four days later, he writes: 'The king has hitherto failed in his attempt to make the judges declare guilty of high treason those who have had any dealings with the nun in the form or manner specified in my last. I rather think that although some, perhaps the most learned and impartial amongst them, have declared that they would rather die than deal with the accused in that manner, should the king, as they say, come to dispute the case, he will have his own way, for no one in England dares contradict him in such matters, unless he chooses to be treated as a madman, or, what is worse, as guilty of high treason.'[1] The ground upon which the judges founded their decision was that there could be no complicity or conspiracy,

[1] *Cal. State Papers*, Spain, 1531–3, Nos. 1153–1154.

seeing that it was admitted that some months previously the nun had told the king to his face all that she and the ecclesiastics were now charged with saying, and as the other members of the Council seem to have endorsed their opinion, the proceedings were abandoned. Parliament had, however, always shown itself obsequious to the royal will, and a bill of attainder was accordingly presented to the House of Lords on February 18, 1534, and carried through both Houses with such expedition that it received the royal assent on March 21, and one month later Elizabeth Barton, Bocking and Dering (Benedictines), Risby (Franciscan), and Golde (secular priest) were hanged at Tyburn.[1] 'Meeting death calmly, receiving a fate most necessary and most deserved,' says Froude, 'yet claiming from us the partial respect due to all persons who will risk their lives in an unselfish cause. For the nun herself we may feel even a less qualified regret.'[2] According to the 'Grey Friars' Chronicle' (page 37) she was buried at the Grey Friars, London, with the two Observants of Canterbury (Riche and Risby) who had been hanged with her. 'The monkes buryt at the Blacke freeres, the Obser-vanttes with the holy mayd at the Grey Freeres, and the parson at hys Church, Aldermary.' (This is slightly in error. Riche was not hanged; the probability is that he died in prison immediately before, and that the Friars were permitted to bury him with his brother Franciscan.)

In order to arrive at a fair and impartial estimate of the guilt of the nun and the implicated ecclesiastics, and to weigh and appreciate the motives by which they were actu-

[1] Stow in his *Annals* and Strype in his *Memorials* represent Richard Masters, rector of Aldington, as having suffered death with them, and this statement has naturally been accepted as accurate by modern historians; it is, however, quite erroneous. Masters received a free pardon (see Grants in July 1534, no. 10, vol. vii. *Cal. of State Papers*), and was restored to his rectory. He was presented to Cranmer for adherence to the old faith in 1543 (*Cal.* vol. xviii. pt. ii. p. 301); appears as rector in the inventory of church goods of 1552; and continued to be parish priest there until his death about the year 1558. See article upon 'Richard Masters' in the *Journal of the British Archæological Association* for April 1904 (vol. x. pt. i.)

[2] *History of England*, ii. 95.

ated, it is desirable and necessary to divide the story of her life into sections.

In the first place, therefore, let us consider her revelations and prophecies when she was a servant-maid at Aldington. Elizabeth Barton was an epileptic patient, subject to hysteria. As Froude remarks, 'after many months of suffering she was reduced to that abnormal and singular condition in which she exhibited the phenomena known to modern wonder-seekers as those of somnambulism or clairvoyance. The scientific value of such phenomena is still undecided, but that they are not purely imaginary is generally agreed. In the history of all countries and of all times, we are familiar with accounts of young women of bad health and irritable nerves who have exhibited at recurring periods certain unusual powers; and these exhibitions have had special attractions for superstitious persons, whether they have believed in God, or in the devil, or in neither.'[1] That she did marvels he admits. 'We cannot easily make too great allowance for the moral derangement likely to follow when a weak girl suddenly found herself possessed of powers which she was unable to understand. In her trances she told wondrously things done and said in other places whereof she was neither herself present nor yet heard report of.'[2] Students of spiritualistic phenomena will know many instances of this same mysterious power. In her first stage, therefore, there seems no reason to doubt that Elizabeth Barton was a genuine case of clairvoyance, and that all she said and did was in good faith; and it is not to be wondered at that powers which have defied the analysis of scientific men even to our own day should have been incomprehensible, not only to the parish priest of Aldington and the local gentry, but to experienced and wise prelates such as Archbishop Warham and Bishop Fisher. But there appeared upon the scene a man whom I cannot but regard as the evil genius of the Maid of Kent, viz. Dr. Edward Bocking, a Benedictine monk of Canterbury, head of the Commission appointed by the arch-

[1] *History of England*, i. 313. [2] *Ibid.* p. 314.

bishop to examine and report upon the revelations of Elizabeth Barton. Bocking seems to have been a man of family and learning. According to the 'Dictionary of National Biography,' he was probably of the Suffolk family of that name. He proceeded B.D. at Oxford in 1513, and D.D. in June 1518. Leaving Oxford in 1526, and entering the Benedictine Order, he became cellarer of Christ Church, Canterbury, one of the four great officials of the monastery. He was a man of great energy, strongly opposed to the religious innovations of his time, and knowing the credulous character of the people, and probably believing that any means were justified in order to preserve their religious orthodoxy, he found in the simple country girl an instrument ready to his hands, who could easily be persuaded that her miraculous powers were given to her in order that faith might be strengthened and religion renewed in a district where zeal had grown cold. He therefore instructed her in (Catholic) controversial theology, and generally prepared her for a wider scope and more definite purpose in her prophetic utterances. And the result in the formation of a religious revival was eminently satisfactory. The chapel at Court-at-Street received a new lease of life, and became thronged with worshippers. Was Richard Masters, the rector of Aldington, a party to the pious fraud which had worked such wonders? It is most probable that he was not. A pious man, of excellent reputation, a bookworm,[1] of simple character and scholarly tastes, he was not the type of man to be concerned in a deception even with a good motive; whilst the fact that he received full pardon, restitution of his goods, and restoration to his rectory, furnishes strong evidence in favour of the presumption that he satisfied Cromwell of his entire innocence. In the Calendar of State Papers[2] a letter is given, written by the Prior of Christ Church, from which it would appear that

[1] In the inventory of the goods at his parsonage we find '42 great books covered with boards, 33 small books covered with boards, 38 books covered with leather, and parchment' (*Cal.* vi. no. 521), a good-sized library for a pre-Reformation country parson.

[2] Vol. vi. No. 1470.

Dr. Bocking obtained from Archbishop Warham a license appointing him confessor and spiritual adviser to Elizabeth Barton, even whilst she was resident at Aldington (and therefore one of the spiritual children of Richard Masters), an important confirmation of the theory that Bocking alone was the mainspring in the matter of the deception, and that he purposely removed her from the pastoral superintendence of Masters.

Secondly, the life of Elizabeth Barton as a nun at Canterbury. Removed from her village home to the convent of St. Sepulchre's, where she was immediately under the eye of Dr. Bocking, the influence of the nun for the next few years was remarkable. Persons of every rank in society consulted her as an inspired prophetess; she bearded Henry in his palace; she threatened the Papal ambassadors with the vengeance of the Almighty upon Pope Clement, should he fail in his duty in the matter of divorce through deference to the royal power. Nor is it necessary to believe that she acted otherwise than in good faith; on the contrary, it is most probable that she regarded herself as an instrument in the hands of God for this work. 'Whilst we call the nun an impostor,' writes Froude, 'we are bound to believe that she first imposed upon herself, and that her wildest adventures into falsehood were compatible with a belief that she was really and truly inspired. Nothing short of such a conviction would have enabled her to play a part among kings and queens, and so many of the ablest statesmen of that most able age.'[1] Nowhere do we find that she used her immense power for bad or selfish ends. 'She has raised a fire in some hearts that you would think like unto the operation of the Holy Spirit in the Primitive Church,' writes a Carthusian friar, 'if you saw with what frequent tears some bewailed their transgressions;'[2] and although she received gifts of money from many of those who came to her in their times of trouble and difficulty,[3] it is nowhere alleged that she was

[1] *History of England*, i. 325. [2] *Cal.* vi. No. 835.

[3] For example: the Marchioness of Exeter sent for her to Horseley. Her

personally enriched thereby; indeed the inventory of her goods[1] shows that her worldly possessions at the time of her conviction were but few.

Thirdly, the proceedings in the Star Chamber, and subsequently in Parliament. As before stated, from the point of view of political expediency, it was absolutely essential that the nun and her adherents should be condemned. She and they had thrown themselves into the stormy sea of domestic politics; acting no doubt from perfectly good intentions, intent upon preventing the scandal and the wrong which the king had resolved to perpetrate, determined at all hazards to uphold the moral law, they had so profoundly stirred the religious feeling and the compassionate sentiment of the nation that it was upon the very verge of violent insurrection, and the Government was only acting upon the principle of self-preservation when the resolve was made that, by fair means or by foul, the danger should be stamped out. The proceedings taken were the very travesty of justice; the conviction and sentence foregone conclusions. Not even Henry's anger could induce the judges to condemn the accused when brought before the Council; the second trial which Cromwell clearly contemplated in January 1534 ('Mem. To cause indictments to be drawn for the offenders in treason and misprision concerning the Nun of Canterbury'[2]) was abandoned, and finally without public trial, without the assistance of advocates to plead their cause, without even the opportunity of self-defence, they were all condemned, innocent and guilty alike, under a bill of attainder of Parliament, ever the obsequious slave of the Tudor tyrant. 'They were attainted of high treason and condemned without any answer making of themselves.'[3] To attaint without trial, except in cases of open rebellion, was so inconsistent with

children had all died in childbirth; she was expecting another, and she desired her to pray to Our Lady that she might have issue that would live. Also, her husband was likely to go to the wars, and she begged her prayers for his safe return. The marchioness gave her 20*s*.

[1] Appendix, note *E*.

[2] *Cal.* vii. No. 48.

[3] B. Mus. Arundel MSS. 152, fol. 49.

men's notions that at the third reading the Lords resolved to enquire whether it might stand with the good pleasure of the king that they should send for Sir Thomas More and the rest of the accused into the Star Chamber, and inquire what defence they could make. The answer is not recorded, but no defence was allowed.[1] 'Lord Coke lays it down that the affairs of the Nun of Kent and her confederates were not treason. The parties attainted were not heard in their own defence before either House of Parliament. That they were impostors is clear, but of the extent of their impositions we cannot speak. We know not how far they might have disproved the charges brought against them if they had been heard.[2]

Fourthly, the authenticity of the two confessions ascribed to Elizabeth Barton. It will be remembered that at St. Paul's Cross she read a paper confessing that she was the 'sole cause of this mischief.' On the scaffold at Tyburn, however, she made a very touching address to the people in these words: 'Hither am I come to die, and I have not been the only cause of my own death, which most justly I have deserved, but also I am the cause of the death of all these persons which at this time here suffer. And yet I am not so much to be blamed, considering that it was known unto these learned men that I was a poor wench without learning, and therefore they might easily have perceived that the things which were done by me could not proceed in no such sort; but their capacities and learning could right well judge that they were altogether feigned. But because the things which I feigned were profitable unto them, therefore they much praised me, and bare me in hand, that it was the Holy Ghost and not I that did them. And I, being puffed up with their praises, fell into a pride and foolish fantasye with myself, and thought I might feign what I would, which thing has brought me to this case, and for which I now cry God

[1] Lingard's *History of England*, v. 13.

[2] *Lives of the Archbishops of Canterbury*, by Dean Hook, vi. 354, note.

and the king's highness most heartily mercy, and all you good people to pray to God to have mercy upon me, and on all them that here suffer with me.' In his well-known work 'Henry VIII. and the Monasteries,' Dr. Gasquet has devoted a long chapter to the consideration of the matter of the Holy Maid of Kent and those implicated with her, and therein he casts discredit upon both these confessions. The first he dismisses as of not much historical value; its terms are indecisive, and, entirely in the hands of Cromwell as she was, it would be easy in the fashion of those times to compel or persuade her to sign any document like this. Now this is very true, and no one with any knowledge of the methods of procedure in vogue in the sixteenth century would place overmuch reliance upon the confessions of a Tudor prisoner; moreover the correspondence contained in the Calendar of State Papers shows repeated exhortations on the part of Cromwell to parties implicated to confess their guilt as the only possible way of obtaining the royal clemency; but the difficulty of this theory seems to be that in this first confession the Nun takes the whole blame upon herself, whereas it is abundantly evident that Cromwell was especially eager to implicate persons far more highly placed. Passing on to the second confession, Dr. Gasquet sweeps this aside as untrustworthy, inasmuch as it rests upon the sole evidence of Hall's Chronicle. Now it is quite true that Hall was prejudiced by his somewhat violent Protestant sympathies,[1] and moreover, that his list of those who suffered death with the Maid is full of the grossest inaccuracies, although he wrote so soon after the event. Nevertheless, there seems but little reason to doubt the dying speech of the Nun; it has a ring of truth throughout, it reads like a spontaneous utterance, not one learnt by rote or composed subsequently; it is in accordance with what we know, or can reasonably conjecture;

[1] Hall in political matters was a staunch supporter of Henry VIII., and his parents seem to have been important personages among the more advanced reformers. His Chronicle is a glorification of the House of Tudor, especially a justification of the action of Henry VIII. (See note *F*, Appendix.)

moreover, it was a usual custom for persons about to be executed to address the spectators, and there must have been numbers of persons living at the time when Hall wrote who had themselves heard, or who knew by the testimony of others, what was said on that fateful day of April 21, 1534. With regard to the main question as to whether or not Elizabeth Barton was an impostor, there exists abundance of evidence altogether outside of the two confessions. To begin with that of Sir Thomas More, contained in his letter to Cromwell,[1] he gives a long account of what he had heard and seen of the Maid; declares that he had warned Riche that 'those strange tales were no part of the Creed, and he advised him not to wed himself to the credence of them, so as to report them as true, lest they were afterwards proved to be false, and the estimation of his preaching diminished.' He thinks Cromwell has done a very meritorious deed in bringing to light such 'detestable hypocrisy,' words which it is certain Sir Thomas More would not have used had there been any doubt as to the deception, for, as subsequent events abundantly proved, he was not the man to attempt to buy his own safety by imperilling that of others. In the same volume of the State Papers also (No. 138) we find Henry Gold (parson of Aldermary London, and one of the condemned parties) interceding on behalf of his brother in the following words: 'Have compassion upon my poor brother, who was miserably deceived by that false and dissembling Nun, like as I and others were.' The monks of Christ Church, Canterbury, again, in their petition to the king, admit that 'the demerits of our miserable brother dan Edward Bocking be so high haynous, so grevous, and so displeasunte to your majestie that we dare not ever open our lippes to make any prayer or supplication to your highness for hym,' and they deplore the 'counterfeyted, false, and most malicious revelacions imagined and fayned by the most lyeing and false nonne against your majesties.'[2] 'Finally in the 'Chronicle of a Monk of St. Augus-

[1] *Cal.* vol. No. 287.
[2] Wright's *Suppression of the Monasteries.*

tine's, Canterbury' (Camden Society), we read: 'The same year (1533) a certain nonne, called Elizabeth Barton, by marveylous hipocrysy moked alle Kent and almost alle England, for which cause she was put into prison in London, when she confessed many horrible things agaynst the king and the queene. This aforesaid Elizabeth had many adherentes, but specialli doctor Bocking, monke of Christ Church in Canterbury, which was the chiefe author in her dissimulation.'

Her private character. Apart from her mental disease, Elizabeth Barton seems to have led a blameless life, and to have used her influence for good ends. Such a statement as the following must therefore excite surprise as well as regret: 'From circumstances which were discovered during the investigation of this most impudent cheat, it but too clearly appeared that the so-called Holy Maid of Kent was a woman of most lewd life, and that imposture was by no means the only sin in which Masters and Bocking had been her accomplices.'[1] In the course of further remarks mention is frequently made of the 'ignorance' of the people and 'unscrupulous' character of their teachers, but it would be difficult to find a more flagrant example of both than in such a version of the matter; for it will scarcely be credited by those readers who have not studied the documents that there was absolutely no charge of incontinency made against Richard Masters at any time, and that the whole and sole historical ground for this assertion is found to be an insinuation in the act of attainder that the Maid was 'not without probable vehement and violent suspicion of incontinency,' whilst a nun at Canterbury, and that she may have used her freedom of action to visit Bocking and others by night for disreputable purposes. Now no one who knows the coarseness of the times, the absolute necessity to the government of destroying the reputation in which the Maid was held for holiness of life, and the tremendous charges of lewdness of life which these same men were even then

[1] Maunder's *Treasury of English History* (Longmans, 1882).

preparing against the Monastic Orders as a prelude to and a reason for their destruction, will place the least value upon an accusation of this kind, unsupported by a direct charge or the production of the least tittle of evidence. Can we for a moment believe that, had it been possible to substantiate such a damaging charge, Cromwell would not have eagerly seized the opportunity of publicly and triumphantly blasting the religious reputations of the parties for whose conviction he was labouring with such ill success?[1]

Finally, the credulity of the age. Can we afford to ridicule the credulity and ignorance of those who believed Elizabeth Barton to be possessed of supernatural powers, and who crowded to her cell at Canterbury to hear her 'inspired' utterances in respect to their own spiritual and temporal concerns? Can we pride ourselves that such things belong only to a Popish age and a Popish people, and have perished under the enlightenment of nearly four centuries of Protestant teaching? Superstition is not necessarily allied to ignorance (nor, for the matter of that, to religion), and men of exceptional abilities and great natural gifts have been victims of absurd beliefs. It is a fact that with the rise of the 'reformed' doctrines came a corresponding revival of belief in witchcraft. The cult of the saints had gone out of fashion, their shrines lay in ruins, their images had been overthrown, their bones had been scattered to the winds. Now there arose the cult of the devils, and men who had

[1] There is a curious letter in *Cal.* vii. No. 303, which may possibly bear upon this subject. John Rudd appeals to the bishop elect of Chester to get him liberated from prison. The fault of which he is accused is that in a sermon at St. Paul's Cross, alluding to those impostors who had been condemned, he said that their wickedness had merited even greater punishment; nevertheless that what was imputed to them upon published confessions, in violation of the sacrament of penance and confession, was altogether a calumny, and that he was assured by persons worthy of credit that they were not convicted of that matter before the King's Council; further, that this was evident because no mention was made of it in the abbot's sermon in which their misdeeds were denounced. From this he took occasion to inveigh against slanderous tongues. Dr. Gasquet regards this letter as referring to confessions of duplicity and falsehood which according to the act of attainder had been made before 'divers of the King's Council' (*Henry VIII. and the Monasteries*, pp. 186–7).

ceased to invoke the intercession of the blessed ones trembled at the malignant glance of an old woman, and after propitiating her with offerings, in order that by her incantations she might ward off the malevolence of the beings of darkness, terminated her wretched existence by torture and death. The superstition of the people was not eradicated by the Reformation; it but took a grosser and more repulsive form. And this continued throughout the seventeenth and eighteenth centuries, during which hundreds of poor wretches suffered death at the stake or by unlawful violence. About the same time arose the revival of the belief in the miraculous power of the sovereign to cure scrofulous tumours by his touch; in the reign of Queen Anne a special service was inserted in the Prayer Book; in all the parish churches notices were read stating when the queen would perform the miracle; and while the sick crowded in their hundreds to be cured of their maladies, grave theologians solemnly debated as to whether the monarch obtained the power directly from God, or indirectly through the medium of the oil of consecration; and whether or not there was justification for the popular belief that the touch had greater efficacy on Good Friday than on any other day.[1]

The special superstition of the nineteenth century was in connection with the great rise of spiritualism. The twentieth century, though still in its infancy, has already been prolific in religious frauds: the American who recently posed as St. John the Baptist reincarnated; the notorious prophet of a new-world Zion; the Nonconformist minister at Clapton, whose claim to be the Messiah revisiting the earth was received with joy and thanksgiving by a congregation described as composed of respectable and well-to-do people. In country places tales of witchcraft and of grim apparitions are still implicitly believed; whilst 'at all points of civilisation superstition is ministering to the universal desire of humanity to escape from its cramping limitations.'[2] To revert to the

[1] See Lecky's *England in the Eighteenth Century*, vol. i.

[2] *Pall Mall Magazine*, January 1903.

subject-matter of this paper: Elizabeth Barton and her accomplice Bocking were doubtless in a sense impostors, but they were, at any rate, actuated by good intentions, and they expiated their offences by a cruel death, which they met with fortitude and calm resignation. Desperate diseases, we are told, require desperate remedies; in their view the foundations of religion and of morality were being undermined, and they threw themselves into the breach in the vain hope that superstitious fear would restrain where sober religious appeal had proved of no avail. They failed, and paid the forfeit with their lives; and while condemning the means they used, we may well accord some measure of sympathy for their untimely fate.

APPENDIX

Note A

The church at West Hythe fell into decay about the date of the accession of Henry VIII. In 1489 Mr. Tilley left 40*s.* towards the expense of a new roof, and Knatchbull, of Limme, by his will, proved in 1504, left 3*s.* 4*d.* towards the reparation of this church. Robert Beverley, vicar, was buried in the chancel in the seventeenth year of Henry VII., but Leland, writing forty years later, describes the church as in ruins. The old parsonage-house was pulled down some thirty-five years ago; it stood nearly opposite to the church, and three cottages stand upon the site.

The church at Hurst has been gone since 1530. It was apparently destroyed by fire, as charred remains and burnt tiles were found when the site was partially uncovered some years ago. A solitary gravestone, nearly buried in earth, is all that remains to mark the churchyard.

The churches at Orgarswick, Blackmanstone, and Eastbridge have been in ruins for centuries. They were so poor even in the fourteenth century, that they (with others in their district) were held exempt from taxation to the tenth in 1384.

The church at Westenhanger was pulled down when Henry VIII. enclosed the adjoining lands to form Westenhanger Park. The

rector was awarded a pension of 6*l.* per annum, and the font removed to Stanford Church, with which the parish of Westenhanger was ecclesiastically united.

Note B

Dr. Jessopp, in his most interesting book 'One Generation of a Norfolk House,' tells us that 'free chapels in many cases appear to have approximated to what are now *Nonconformists' places of worship*; they were "free" in the sense that they were exempt from episcopal jurisdiction, and frequently had something like a special ritual.' I am a great admirer of Dr. Jessopp's writings and have a deep respect for his learning, but I venture to think that the above sentence is somewhat misleading. Previously to the 'Reformation' nothing existed in England akin to Nonconformist places of worship; exemption from episcopal jurisdiction and a special ritual were leading features of the great monastic churches as well as of the humble free chapels, and were no indications whatever of relaxation of the limits of orthodoxy in doctrine, or lack of conformity to the established religion. It must be borne in mind that there existed great latitude in the Pre-reformation Church with regard to ritual. In the Middle Ages each bishop had power to regulate the details of public worship within his own diocese, and there were accordingly many minor variations, which by degrees became developed into uses. The most popular and widespread in England was the Sarum or Salisbury Use, arranged by Osmond, Bishop of Salisbury, about A.D. 1085, but there were also the Uses of York, Bangor, Hereford, Lincoln, and many others, all variants of the ancient Roman Missal.[1] There were also Uses of certain important churches, such as St. Paul's Cathedral, London, St. Augustine's, Canterbury, and many others, so that 'a special ritual' was no mark of nonconformity. It is perhaps worthy of remark, that whilst in the Catholic Church too great a redundance was checked by the decree of Pope Pius V., forbidding any deviation from the Roman Missal except where a prescription of 200 years could be claimed for the liturgy in use (an exemption which covered the Sarum and other ancient English Uses—of course not 'English' in the sense of

[1] Dr. Wickham Legg, F.S.A., in his paper on *The Sherborne Mass Book*, read before the St. Paul's Ecclesiological Society in November 1896, declared that the Sarum Use was 'a Roman book from top to toe.' St. Augustine, with the approbation of the Pope, drew up the English Use founded on the Roman, with daily offices derived from the Gallican, 'thus giving to the English Church its own national Use' (*History of the Book of Common Prayer*, by Proctor).

being in the vernacular), the authorities of the Church of England about the same time adopted a far more stringent course, totally abolishing every one of the ancient liturgies, consecrated in the hearts of the English people by centuries of usage, and insisting upon the uniform observance, on and after the feast of St. John the Baptist, June 25, 1559, of a new form of divine worship: 'Now from henceforth all the whole Realm shall have but one Use.'[1] The mere possession of a Catholic prayer-book became a crime, stringent orders being issued that they should everywhere be delivered up to the Ordinaries to be *burnt*.[2]

Note C

Pricksong, *i.e.* Part-singing

The sixteenth century was especially prolific in harmonised compositions, and although the great masters of this class of ecclesiastical music, Palestrina, Tallis, Byrd, Marbeck, &c., flourished some years later than the time of which we are writing, there had existed a vast amount of part-music at an earlier date. Readers of Erasmus will remember his praise of the musical abilities of the English. An example of 'pricksong' is found in the four-part 'Grace after Meat' from the 'Laudi Spirituali,' so frequently sung at City banquets.

Note D

Edward Thwaites was a Kentish gentleman of substance. In the royal grant of pardon and remission of attainder[3] (he purchased his freedom by the payment of 1,000 marks) he is described as of Chilham, *alias* of Leeds (Kent). In the inventory of his goods, taken April 20, 1534, he is stated to hold 'the manor of Esture, in the parish of Chilham; of Estoure lying at Starmouthe; annuity from the manor of Otterpoole; a tenement in the parish of Lymne; annuity to Dame Anne Warham, his wife; lands in Calais, Wingham, Staple, and Goodnestone, etc.' Hasted[4] tells us that he was afterwards the owner of Court-at-Street; and Ireland that 'in the reign of Henry VIII. Jeffrey Colville alienated this manor (Court-at-Street) to Edward Thwaites, whose grandson Edward, in the reign of Elizabeth, passed it away to Edward Jackman, citizen and alderman of London.'[5]

[1] Preface to the Book of Common Prayer. [2] 1 Eliz. c. ii.
[3] *Cal.* vii. No. 11. [4] *History of Kent.* [5] *Ibid.*

Note E

List of the Nun's Goods

'Stoffe receyvyd the 16 day of Februare of dame Elizabeth Barton by the handes of the priores of saynt Sepulcres withowt Canterbury into the handes of John Antony of Canterbury as hereafter foloeth : —ffirst a coschyn blade and one old coschyn.

'Two carpettes, whereof one ys cut into pecys.

'A old matteres, 7 corsse scheetes, & kyverlet, and a payer of blanckettes with 2 pyllos & a bolster.

'2 plates, 4 dysches, 2 sausers, a lyttell basen, waying 12 lb. at 4*d.* a lb., which my laydy priores hath, and payes 4*s.*

'A whyet corter, which my lady priores hath, and payed 12*d.*

'A lyttel old diaper towell.

'3 pylloberes.

'2 canstykes.

'A coet whych dame Kateren Wythsam hath, payed v*s.*

'A pece of a plancke for a tabyll.

'A lyttel chyst.

'Stoffe wych remayneth in the nonnere pertaynyng unto dame Elizabeth Barton, at the request of my lady priores.

'Ffirst 2 new coschyns gyven unto the churche.

'A old mantell and a kyrtell unto the yongest nonne.

'A yrysche mantell, a colere with ij grett chystes and ij stolys and a canstycke to my lady priores.

'A kyverlet and a old kyrtell to dame Alys Colman, at the request of my lady priores.' [1]

Note F

Hall's Chronicle

Dr. James Gairdner, in his recent work upon 'The English Church in the Sixteenth Century,' commenting upon the death of Hunne, writes : 'Unhappily, what is commonly related is derived entirely from statements in Hall's Chronicle, which was published in the later years of Henry VIII., and which is inspired throughout by a manifest bias against the clergy. . . . We must be on our guard against the author's bias, for his unfairness on some particular subjects goes the length of positive dishonesty. He was what in later

[1] MS. Cotton, Cleop. E, iv. fol. 84.

days would have been called a bitter Puritan.' Again: 'Although Hall's general accuracy is borne out by abundant documentary evidence, his dishonesty in some matters, where he is biassed, as against the clergy or against Cardinal Wolsey, can be equally well proved.'[1]

Note G

Witchcraft

After recording the fact that the rise of Wesleyan Methodism was characterised by 'an extraordinary revival of the grossest superstition,'[2] Lecky gives amongst numerous instances the case of 'a woman named Elizabeth Hobson, in whose accuracy Wesley had the most perfect faith,' who 'professed to live in daily and intimate intercourse with ghosts, who appeared to her enveloped sometimes in a celestial, sometimes in a lurid and gloomy light.'[3]

The author of 'The English Peasant' (1893) tells us: 'The dark superstitions which once held sway in every part of rural England still haunt those wild wastes (the Surrey commons). The people yet believe in witchcraft, and think that the persons bewitched have the right and the power to kill the witch by certain enchantments.' Again: 'Of the depth of superstition (p. 152), ignorance, immorality, and poverty which prevails in the Weald of Sussex it is impossible to give any adequate idea' (p. 192).

Mr. Ford Madox Hueffer, in his recent work, 'The Cinque Ports,' gives a number of instances of belief in witchcraft, apparitions, and other superstitions still firmly fixed in the minds of the people of the district round about Aldington (Kent).

[1] See *Transactions of the Royal Historical Society*, xiii. 97–98.

[2] *England in the Eighteenth Century*, iii. 88.

[3] See this very curious history in the *Journal*, 1768. The substance was taken down by Wesley from the lips of the visionary. *Ibid.* p. 90.

THE FINANCE OF MALTON PRIORY, 1244–1257

By MISS R. GRAHAM

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AT the beginning of the thirteenth century, the religious Orders held a strong position in England, with a fair prospect of extending their influence still further. Before the close, however, though outwardly the monasteries were more imposing, internally there were already signs of decay. As the friars journeyed through England to execute the numerous Papal mandates, they had ample opportunities of observing the different houses of the religious, and their contemptuous remarks are therefore very suggestive. In their eyes the Cistercians were unlearned farmers, half laymen, and the Benedictines splendid epicures.[1] Matthew Paris was stirred to wrath at the presumption of the friars in daring to criticise. He saw that the very causes which had altered the character of the other religious were at work among the friars themselves. Though scarcely forty years had passed since their founding, they were already occupied in amassing wealth and erecting stately buildings.[2]

Chronicles, official records, episcopal and other visitations reveal a host of instances of the pecuniary difficulties of the monasteries. During the Interdict many of them sustained great losses.[3] Under Henry III. both Crown and Papacy made heavy calls upon them. Thus the most conspicuous feature in the history of the monasteries in this period is the effort to increase their income from all sources, spiritual and

[1] Matthew Paris, *Chronica Majora*, ed. H. R. Luard, iv. 280.

[2] *Ibid.* pp. 279, 280.

[3] E.g. *Annales Monastici*, ed. H. R. Luard, iii. 39; *Gesta Abbatum Monasterii Sancti Albani*, ed. H. T. Riley, i. pp. 296–8.

temporal; more lands were acquired, splendid buildings erected, and indulgences granted to attract the offerings of guests and pilgrims. It was a time of experiments in finance. Debts were piled up recklessly. The pious benefactor was often a lender who remitted the loan of which he had little hope of recovery.[1]

A full knowledge of monastic finance in the thirteenth century would throw a flood of light on the changes in the character of the religious, and of the attitude of the crown, the barons, and the nation towards them. Unfortunately the materials are wanting. For the later centuries the account rolls of the obedientiars of the great Benedictine houses of Durham,[2] Winchester,[3] and Abingdon[4] supply much valuable information. For this reason the subject of monastic economy has been treated hitherto as if the Benedictine monastery were more or less typical of that of any other Order, and no serious attempt has been made to differentiate the systems in vogue among the other Orders of religious in the earlier centuries of their history.

A series of accounts, of an earlier date than any of the Benedictine rolls which have as yet been printed, is enrolled in the cartulary[5] of the Priory of Malton, in the North Riding of Yorkshire. It summarises both the revenues and expenditure of the house for a period of fourteen years from 1244 to 1257, and thus illustrates the finance and economy of a Gilbertine house. A legatine visitation of the Order which was conducted in 1268[6] at the instance of Cardinal Ottoboni serves to illumine some difficult points.

The Rule of Sempringham contains very full instructions for the economic management of the houses of the Order.

[1] E.g. *Annales Monastici*, ed. H. R. Luard, iii. 255, 275; *Gesta Abbatum Monasterii Sancti Albani*, ed. H. T. Riley, i. 327.

[2] *Durham Account Rolls*, ed. Rev. Canon Fowler, Surtees Soc.

[3] *Compotus Rolls of the Obedientiaries of St. Swithun's Priory, Winchester*, ed. G. W. Kitchin, Hampshire Record Soc.

[4] *Accounts of the Obedientiars of Abingdon Abbey*, ed. R. E. G. Kirk, Camden Soc.

[5] MS. Cotton, Claudius D xi. ff. 273^{v}–277.

[6] MS. Douce, 136, ff. 88–91^{v}, Bodleian Library.

The single copy which is now known to be extant was written in the first half of the thirteenth century, and bears as its title 'The Institutions of St. Gilbert and his successors.'[1] The Cistercian Constitutions and the subsequent statutes of the general chapters are set forth with admirable clearness in the 'Nomasticon.'[2] It is thus possible to trace the causes which led to a modification of the economic customs of the Order, or rather perhaps to a recognition of practices which it was impossible to check. In the Rule of Sempringham, too, there is internal evidence of additions to the original statutes, but the arrangement is in reality so confused that these cannot be disentangled with any certainty. However, it is clear that the economic principles of the Gilbertines were chiefly borrowed from the Cistercians.

According to the Rule of Sempringham, each house undertook the entire management of such property as lay within a day's journey of the priory; granges were built on the estates, probably at a distance of not less than two leagues from each other, like those of the Cistercians.[3] The general administration of the property was in the hands of a council of four proctors consisting of the prior, cellarer, and two lay-brothers, one being the granger and another specially called the proctor.[4] Though the two latter could neither read nor write, their opinions carried as much weight as those of the lettered canons; in any instance of dispute the will of the majority prevailed unless the matter was of such importance that it was referred to the Master of the Order. Large purchases and sales were concluded subject to the consent of the two chapters of men and women, but no such transaction was valid without the Master's consent and seal.[5]

At least once a month the four proctors discussed the expenditure of the house in the presence of the scrutator, a

[1] MS. Douce, 136, Bodleian Library.

[2] *Nomasticon Cisterciense*, ed. H. Séjalon.

[3] *Les Monuments Primitifs de la Règle Cistercienne*, ed. Ph. Guignard, p. 251, cap. v.

[4] Dugdale, *Monasticon*, vi. part ii. p. xxxvii. cap. 1.

[5] *Ibid.* p. xxxiii. cap. vi.

canon who held office for a year, and was bound to keep diligent watch over both spiritual and temporal matters.[1] They wrote two rolls setting out every detail of the expenses, one to be delivered to the keepers of the treasury, and the other for their own use in the yearly audit. The account rolls were presented to the Master and to the general scrutators of the Order when they came on their visitation rounds two or three times a year. On these occasions canons or clerks, who, before the institution of perpetual vicarages, held churches granted to the monastery, as well as the masters of the shepherds and of the tailors and the millers, were also present to render their account or to show their tallies. The prior and cellarer saw that complete yearly balance-sheets were drawn up and put before the two chapters, showing the profits and losses of each grange as well as the total expenditure of the monastery.

While the external management was in the hands of the canons and lay brothers, the expenditure was controlled by the nuns. The treasury was in their buildings,[2] and it would be furnished with one or more chests with triple locks to contain the seal of the house, its rentals and extents, its money, account rolls, and tallies.[3] The keepers of the treasury were three mature and discreet nuns, who each had charge of one key, so that the chest could only be opened in the presence of all of them. None of the three prioresses was eligible to be a keeper of the treasury.

All ferms and rents were set down in writing.[4] A trusty canon was appointed as receiver, and according to the rental he accounted to the prior. In the presence of the four proctors he passed the money to the three keepers through the window-house of communication, which was so constructed that neither men nor women could see each other.[5]

[1] Dugdale, *Monasticon*, p. xxxix, cap. vii.
[2] *Ibid.* p. lxxiii, cap. ii.
[3] *Monasticon*, vi. part ii., p. lxxiii, cap. ii., iii.
[4] *Ibid.* p. lxxiii, cap. ii.
[5] Cf. *East Riding Antiquarian Society's Transactions*, 1900, plate vii. and p. 81.

Three lay brothers registered the amounts by tally, and the cellarer, or another canon appointed by the prior, wrote them down on a roll.[1] The same procedure was followed when the keepers paid out money from the treasury. All money was bound to pass into it, but, to avoid frequent approach to the window-house, the four proctors had 30*s.* in hand to meet small expenses. These rolls and tallies were produced and compared at the conferences on money matters which took place at the window-house.[2]

Doubtless there was some strong-room, corresponding to the nuns' treasury, in the men's buildings. It would contain chests for the rental of the receiver, the tallies of the lay brothers, the accounts and tallies of the proctors.[3]

The Rule ordered that similar methods of finance should be adopted in the single houses of the Order.[4] Three canons would therefore act as keepers of the treasury and have rolls and tallies to compare with those of the receiver, of the three lay brothers who checked the paying in of money, and of the proctors.

The chief characteristic of Gilbertine finance, and indeed of the Rule generally, was that in so elaborate a system of checks and balances nothing was left to individual initiative or responsibility. Absolute power was not placed in any one person; even the Master was liable to deposition by the general chapter.[5] The Order of Sempringham may be fairly described as a highly organised moderate democracy.

The contrast between the Gilbertine and Benedictine systems of finance and government is striking. Soon after the Norman Conquest, the property of the Benedictine houses appears to have been divided between the abbot and his convent. It seems probable that the division was due to the influence of the Cluniac customs, but at the same time

[1] *Monasticon*, vi. 2, p. xlii, cap. xvi.
[2] *Ibid.* vi. 2, p. lxxvi, cap. ix.
[3] *Ibid.* pp. xxxix, cap. vii. lxxiii, cap. ii., iii.
[4] *Ibid.* p. lxxiii, cap. ii. and iii.
[5] *Ibid.* p. xxxi, cap. iv.

it served a very practical end, for the Crown was thus only entitled to the abbot's revenues during a vacancy.[1] The abbot and chapter also allotted certain estates and revenues to the several obedientiars.[2] Though calculated to insure efficient management, these arrangements proved a fertile source of strife; the abbot granted away his estates to his kinsfolk,[3] and disputed with his monks about the incidence of fresh burdens and the expenses of hospitality.[4] The convent had the utmost difficulty in exercising any real check upon the abbot, for he rid himself of his critics and opponents by banishing them to distant cells.[5] As, in the thirteenth century, it became usual to make fine with the Crown for a vacancy,[6] the division between the revenues of the abbot and convent was no longer necessary. Nevertheless it continued. Among the injunctions issued by Robert Winchelsey in 1301 to the Benedictine house of St. Peter at Gloucester was one forbidding the abbot to hold separate property,[7] but there is no evidence that it was obeyed.

Though the departmental system worked admirably in many Benedictine houses, in others it was a source of danger. The obedientiars were in reality too much emancipated from the central control of the chapter, and at times contracted debts without the knowledge of the convent.[8] They were at the same time receivers, administrators, and treasurers of

[1] E.g. *Memorials of St. Edmund's Abbey*, ed. T. Arnold, i. pp. 215, 216, *Rentalia et Custumaria Michaelis de Ambresbury et Rogeri de Ford*, ed. E. Hobhouse, p. xxii, Somerset Record Soc.

[2] E.g. *Chronicon Monasterii de Abingdon*, ed. J. Stevenson, pp. 321–333. *Chronicon Abbatiæ de Evesham*, ed. W. D. Macray, pp. 208–217.

[3] *Rentalia et Custumaria Michaelis de Ambresbury et Rogeri de Ford*, ed. E. Hobhouse, p. xix.

[4] *Memorials of St. Edmund's Abbey*, ed. T. Arnold, vol. i. pp. 213, 214.

[5] E.g. *ibid.* vol. i. p. 253, *Gesta Abbatum Monasterii Sancti Albani*, ed. H. T. Riley, i. 251, 252.

[6] E.g. *Chronicon Petroburgense*, ed. J. Bruce, p. 21, Camden Soc.

[7] *Historia et Cartularium Monasterii Gloucestriæ*, ed. W. H. Hart, vol. i. p. lxxxvi.

[8] *Memorials of St. Edmund's Abbey*, ed. T. Arnold, vol. i. p. 210, and ii. 296.

the funds from their endowment and would each keep their own money-chests. Such property as remained unallotted would form the common chest, out of which in some houses it was usual to supplement the revenues of the obedientiars.

Surely contemporary comments on the Cluniac and Benedictine systems cannot be entirely disregarded. The fact that the Cistercians and the Augustinian Canons insisted on a common treasury, out of which all expenses were to be met, is in itself a criticism on the methods of the Benedictines.

In a Cistercian house the cellarer was both receiver and paymaster, but all money passed through the hands of another monk who was appointed by the abbot as keeper of the treasury.[1] Once a month or oftener, at the abbot's will, the cellarer presented accounts showing his receipts and expenditure in money and stores to some of the monks chosen by the abbot to act as his council in dealing with finance. The grangers and other lay-brothers who held responsible posts also presented their tallies.

As, unlike the Cistercians, the Augustinian Canons allowed some divergence in their customs, it is impossible to generalise about their methods. It is, however, clear that one or two canons acted as receivers and treasurers.[2] They paid out to the obedientiars such sums as were needful for their offices. The obedientiars presented accounts at stated intervals before a small council for finance. There was a general audit once or twice a year.

It would be beyond the scope of this paper to attempt more than the foregoing sketch of the financial methods of other monastic Orders. It may suffice to show that the Gilbertines elaborated their system from Cistercian and Augustinian models. In England the knowledge of the practical working of the monastic exchequer was probably

[1] *Les Monuments Primitifs de la Règle Cistercienne*, ed. Ph. Guignard, p. 274, cap. lxxxvii.

[2] *De Antiquis Ecclesie Ritibus*, ed. E. Martène, vol. iii. p. 70; *Customs of Augustinian Canons*, ed. J. W. Clark, p. 188, cap. xl.

obtained by the newer Orders from the Benedictines,[1] who actually used the term 'scaccarium.' There is evidence of the organisation of the exchequer at Glastonbury in 1189.[2] As for some years previously, during the vacancy, the entire revenues were administered by Richard Fitz Stephen, one of the chamberlains of Henry II., it may be surmised that the organisation of the monastic exchequer was his work, and the analogies with the royal exchequer would be thus explained. If this conjecture be accepted it would follow that in the twelfth century, in the management of their exchequer, many other Benedictine houses may have adopted the methods of the officers of the Crown during vacancies. It has been recently suggested that the royal exchequer was the model for the episcopal exchequer of Winchester, and thus of that of the prior and convent too.[3]

In the thirteenth century, Papal legates and bishops alike were unanimous in pressing changes in the financial management of Benedictine houses.[4] Provisions were repeatedly made that an annual balance-sheet should be drawn up and rigid accounts kept and presented at stated intervals. Perhaps here again, as in the case of the general chapter, the Cistercian system was drawn upon for the reform of the Benedictines. As it was undeniable that balance-sheets would give the legatine or episcopal visitor a clear view of the temporal affairs of the monastery, it was perhaps with the intention of eluding both tiresome instructions and extortions that the Benedictines were loth to produce them. How far the injunctions were obeyed it is impossible to say. It is worthy of note that, although a number of obedientiars' rolls survive, no complete balance-sheets have as yet come to

[1] *E.g. Registrum Malmesburiense*, ed. J. S. Brewer, p. 142; *Rentalia et Custumaria Michaelis de Ambresbury et Rogeri de Ford*, ed. E. Hobhouse, pp. 5, 15.

[2] *Liber Henrici de Soliaco*, ed. J. E. Jackson, Roxburghe Club, pp. 15–16.

[3] *The Pipe Roll of the Bishopric of Winchester*, 1208–9, ed. Hubert Hall, pp. xi, xii.

[4] E.g. Matthew Paris, *Chronica Majora*, ed. H. R. Luard, iii. 501; Wilkins, *Concilia*, i. 590, cap. xxxi., ii. 17.

light. On the other hand, no more admirable system could have been devised than the scheme for the organisation of the exchequer at Gloucester in the fourteenth century.[1]

The democratic principles of the Rule of Sempringham throw doubts on their practical working. It is evident that before the visitation of the Order in 1268 the balance of power had been disturbed, and that heads of houses betrayed arbitrary tendencies. The priors were warned against conducting business without consulting their fellow proctors or seeking the consent of their chapters.[2] The Master was forbidden to receive men and women into the Order without the advice of its members.[3] It was necessary to insist that the women should have their rights and privileges; no plea of urgent business might avail to deprive them of their assent to all transactions.[4]

Malton Priory was founded in 1150 by Eustace Fitzjohn, as a single house of the Order of Sempringham for canons and lay brothers.[5] In the first half of the thirteenth century it expanded very rapidly: in 1178 there were only three granges,[6] in 1223 the number had increased to seven,[7] in 1234 to nine,[8] and in 1244 to eleven.[9] The Prior, William of Ancaster, who was in office as early as 1236,[10] and died in 1256,[11] was a skilled business man. It was probably under his direction that this cartulary was written.

On some blank leaves at the end of the cartulary, certain canons or clerks in the service of the house enrolled a number of balance-sheets, showing the receipts and expenditure from 1244 to 1257.[12] It is clear that, as the Rule enjoined, they were drawn up from the rolls and tallies of the proctors, the

[1] *Historia et Cartularium Monasterii Gloucestriæ*, ed. W. H. Hart, iii. 105–107.
[2] MS. Douce, 136, f. 89.
[3] *Ibid.* f. 88ᵛ.
[4] *Ibid.* ff. 88ᵛ, 89ᵛ.
[5] *Monasticon*, vi. 2, p. 970.
[6] MS. Cotton, Claudius D xi. f. 7.
[7] *Ibid.* f. 10ᵛ.
[8] *Ibid.* f. 11ᵛ.
[9] *Ibid.* f. 273ᵛ.
[10] *Ibid.* f. 117.
[11] *Ibid.* f. 2ᵛ.
[12] MS. Cotton, Claudius D xi. ff. 276ᵛ–277.

receiver, and the keepers of the treasury to be put before the yearly chapter. They are set out in the modern form of a series of columns instead of in the usual medieval paragraph.[1] There are also separate statements of the total expenses of every grange and of the wages paid in each,[2] but there is no analysis of the profits. At first the balance-sheets present somewhat of a problem, for the result of adding the items is that the totals fall considerably below those of the scribe. If only the expenditure fell short, or if the receipts were written down too low instead of too high, fraud might be suspected. However, as the balance in hand at the beginning of each year is usually correct, it would appear that although the scribe copied the final total, either he wrote an incomplete list of the items, or he made serious errors in some of the figures which he put against them. Owing to their skeleton form, the accounts are in many respects very disappointing. There is none of the wealth of picturesque detail in the rolls of the obedientiars of Abingdon, Winchester, and Durham. For instance, it would be very interesting to know what building was going on at this time, and what were the many things bought at fairs.

The most striking fact apparent in a general survey of the accounts is that, with outstanding debts every year, the house was nevertheless spending up to the limit of its income. There was no reserve fund in the treasury for any emergency. While between 1244 and 1257 the income varied from £500 to £700, in twelve of these years the balance was under £5. This apparently was characteristic of monastic finance. Any surplus, as at Malton, was invested in the purchase of lands and in building. Prudence might surely have dictated the need of ready money in the treasury, for almost every monastery of which the history is known experienced at some time the difficulty of finding money for

[1] *Accounts of the Obedientiars of Abingdon*, ed. R. E. G. Kirk, p. 8, Camden Soc.

[2] MS. Cotton, Claudius D xi. ff. 273ᵛ–274ᵛ.

the expenses of journeys to Rome, of lawsuits at the Curia and in England, and for subsidies to Crown and Papacy.

The extent to which the canons of Malton were increasing their property is indeed remarkable. In fourteen years they spent £499 19*s.* 9½*d.* in buying land, as much as £162 17*s.* 6½*d.* being devoted to that purpose in 1251. Some they kept in their own hands, the rest went to swell their rental, which increased from £47 17*s.* 0*d.* in 1244 to £60 13*s.* 4*d.* in 1257.

Some entries in the cartulary explain the nature of these purchases. In 1243 Leo, bishop of the Jews of York, quitclaimed the prior and convent for all the lands which they had received from Geoffrey of Grunst and William of Redburn in consideration of full payment of their debts.[1] In 1244 William of Richburgh granted to the Prior and Convent of Malton seven bovates of land in Wellum, for which they paid thirty-six and a half marks of his debt to Josce, nephew of Aaron of York, and three marks to his mother Albreda as quitclaim of her dowry in Wellum.[2] For sums of money down the canons thus got possession of the lands of certain impoverished lesser barons and knights. It seems probable that much other land was acquired by them in the same way, for during these years Henry III. was very successful in squeezing money out of the Jews. Between 1243 and 1250 the Chief Rabbi, Aaron of York, paid 32,000 marks.[3] In 1244, for another supposed ritual murder in London, the Jews were tallaged in 60,000 marks, to be paid in five years.[4] To raise these sums, the Jews would put pressure on their creditors, and accordingly a great deal of land was open for sale to the religious houses. Many other monasteries besides Malton doubtless took advantage of these opportunities. In 1259 in the Provisions of Westminster, the religious were forbidden to enter on the possession of land in any fief

[1] MS. Cotton, Claudius D xi. f. 114. [2] *Ibid.* f. 64ᵛ.

[3] *Select Pleas, Starrs, and other Records from the Rolls of the Exchequer of the Jews*, ed. J. M. Rigg, Selden Soc., p. xxviii.

[4] *Ibid.*

without the consent of the tenant-in-chief.[1] The preamble to the Statute of Mortmain, however, notes that they had utterly disregarded this prohibition.[2] A comparison between the Norwich Taxation (1254–1256)[3] and the Taxation of Nicholas IV. (1288–1292)[4] shows a steady rise in the value of the temporalities of the houses of the Gilbertine Order, at Malton from £130 5*s.* 4*d.* to £202 8*s.* 5*d.*, at Sempringham from £196 9*s.* 1*d.* to £219 7*s.* 11½*d.*

Such figures as these show that the continual acquisition of land was a definite policy which the Order pursued with great apparent success. It would be interesting to know how far the Gilbertines were involved in the difficulties which beset the Cistercians as the result of buying land and of building. In the view of the general chapter at Cîteaux the destruction of many Cistercian houses was imminent on account of their heavy debts. Between 1240 and 1256 a statute was passed forbidding any abbot whose debts amounted to 100 marks to buy lands or to build, unless some special alms were received or some sale had been effected for that purpose; even then he was restrained unless the house grew plenty of corn.[5] It was probably more honoured in the breach than in the observance. In 1280 the debts of Meaux amounted to more than £3,678 3*s.* 11*d.*;[6] in 1290 those of Fountains to £6,373.[7] There are indications of poverty in the Gilbertine houses too. In 1247 the Master of the Order pleaded to Innocent IV. that the nuns and sisters of Sempringham suffered in health because they often lacked the necessaries of life.[8] In 1257, for want of food, fifty two nuns and ten lay-brothers were sent from Chicksand to other houses of the Order.[9]

[1] *Statutes of the Realm*, i. p. 10. [2] *Ibid.* i. p. 51.

[3] MS. Cotton, Claudius D xi. f. 278ᵛ.

[4] *Taxatio ecclesiastica Angliæ et Walliæ auctoritate Nicolai IV.* Record Commission.

[5] *Nomasticon Cisterciense*, ed. H. Séjalon, p. 323.

[6] *Chronicon Monasterii de Melsa*, ed. E. A. Bond, ii. 156.

[7] *Memorials of Fountains*, ed. J. R. Walbran, ii. p. vi.

[8] *Calendar of Papal Letters*, ed. W. H. Bliss, vol. i. p. 232.

[9] *Annales Monastici*, ed. H. R. Luard, 205.

Although the canons of Malton were acquiring land very rapidly, they had not enough for their own purposes. Their standard of 'intolerable poverty or need' had certainly become somewhat elastic, for it was only under those circumstances that the Rule allowed them to pay yearly rents to seculars.[1] In thirteen years they spent £198 18*s.* 3*d.* in renting lands, pastures, and meadows, As rents were low, in some years they were using a good deal of land in addition to what they owned. In 1249 they paid £49 17*s.* 8*d.*; possibly their large expenditure on corn in the preceding year, £138 0*s.* 8*d.*, induced the canons to grow more of their own.

The sum spent on corn shows to how great an extent this house devoted itself to sheep-farming instead of tillage. Between 1244 and 1259 the cost of corn, barley, rye, and malt for the canons and lay-brothers, the servants and guests was over £1,100. It is impossible to calculate what proportion the grain bought bore to the grain consumed at the priory. There were in all forty-nine ploughs in use at the priory and its granges, three in the home grange, eleven at Wintringham eight at Swinton, and seven at Multhorp. It is probable that sufficient corn was grown at the granges for the support of the lay-brothers, servants, and any guests who might seek hospitality there, for the variations in the expenses of each grange were independent of the variations in the annual cost of corn. On another leaf of the cartulary there is a record of the exact quantities of wheat, barley, rye, and malt which were bought between 1245 and 1254.[2] As they did not vary very much, the prices at the local markets 'touched' very different figures. In 1254 the amount spent on corn was 138*l.* 13*s.* 4*d.*, while in 1244 it was only 47*l.* These figures also show clearly how very local good harvests were. Matthew Paris notes that in 1244, 1245, 1247, and 1248 the crops were exceedingly abundant, and the price of wheat fell to two shillings a quarter.[3]

[1] *Monasticon*, vi. 2, p. xcv, cap. iii. [2] MS. Cotton, Claudius D xi. f. 282.
[3] Matthew Paris, *Chroni Maiora*, iv. pp. 402, 503, 655; v. p. 46.

Yet at Malton, though smaller quantities were purchased in the dearer years, the several costs were 52*l.* 8*s.* 7*d.* in 1245, 118*l.* in 1247, 138*l.* 0*s.* 8*d.* in 1248. It may, too, be suggested that in the middle of the thirteenth century, in spite of the low profits on corn, it was more extensively grown for sale, and there was a greater trade in it,[1] than has been supposed by Thorold Rogers[2] or Professor Vinogradoff.[3] The figures also throw some light on the Cistercian practice of dispersing their monks and of sending them to other houses for sustenance.[4] Their whole wealth, as Matthew Paris wrote, still consisted in their wool,[5] and if for any reason the sales failed and did not bring in sufficient money to buy corn when the local price was high, the monks were seriously embarrassed for lack of food. Another yearly item in the accounts was the amount spent on pittances, which would include fish, eggs, and cheese. It varied between 60*l.* and 80*l.* Thus the cost of the food and beer for the house and its granges during these fourteen years reached the high total of 2,099*l.* 12*s.* 10½*d.* If the resources of the house allowed of it, the Rule permitted that pittances should be given daily.[6] In the visitation of 1268 there is no suggestion of extravagant housekeeping; on the contrary, the proctors were ordered to see that pittances were better and more often provided.[7]

The number of religious in each Gilbertine house was restricted under anathema,[8] and in the thirteenth century these numbers do not represent an ideal complement, but a real limit, because it was the tendency, especially in the nunneries, to multiply the inmates beyond the resources.[9] The statute

[1] Cf. *Registrum Malmesburiense*, ed. J. S. Brewer, ii. 364.

[2] Thorold Rogers, *History of Agriculture and Prices*, i. 21.

[3] P. Vinogradoff, *Villainage in England*, p. 314.

[4] E.g. *Annales Monastici*, ed. H. R. Luard, iii. 140; *Chronicon Monasterii de Melsa*, ed. E. A. Bond, i. 107.

[5] Matthew Paris, *Chronica Majora*, v. 553.

[6] *Monasticon*, vi. 2, p. lii.

[7] MS. Douce, 136, f. 90.

[8] *Monasticon*, vi. 2, p. xcvii. cap. vi.
E.g. *Memorials of Fountains Abbey*, ed. J. R. Walbran, i. 175.

allowed thirty-five lay-brothers at Malton [1] and about thirty canons. Provision was also made for the poor and for the servants and guests.

The total working expenses of the eleven granges averaged rather over 100*l*; in 1245 they amounted to 108*l*. 0*s*. 10*d*., in 1256 they only reached 52*l*. 9*s*. 4½*d*. On another leaf the scribe has written out the separate expenses of each grange, the number of ploughs in use in each, and one very important item, the wages of labour. These varied but slightly, from 31*l*. 7*s*. 10½*d*. in 1244 to 37*l*. 17*s*. 4*d*. in 1252. There is nothing to show at what intervals they were paid, but the totals were made up twice a year, at Pentecost and at St. Martin's Day. The latter amount was nearly three times as great and would cover the extra labour at hay and wheat harvest, and probably the autumn ploughing too. According to the Rule the cellarer was bound to write on a roll the names and wages of the servants at the priory and the granges within a month of their hiring.[2] He paid them their wages in the church in the presence of the prior, except at the more distant granges, to which he might go alone. In the years when the expenses of the granges were lowest, and therefore it may be presumed that there was no murrain among stock and no serious loss or damage to property, more than half the total was due to the cost of labour. Now Professor Vinogradoff has concluded that the phenomena of hiring outsiders to perform some necessary kind of work in the thirteenth century have to be considered as exceptional, and in fact as a new departure.[3] However, from the above figures and other evidence it would appear that both Cistercians and Gilbertines were paying wages for farm labour earlier and to a much greater extent than the Benedictines and other landlords. The practice had its origin in the Rules of both Orders. In the Cistercian Statutes of 1152 very clear instructions were laid down. The houses should be remote

[1] *Monasticon*, vi. 2, p. xcvii, cap. vi. [2] *Ibid.* p. xl, cap. xi.

[3] P. Vinogradoff, *Villainage in England*, p. 321; but cf. Thorold Rogers, *History of Agriculture and Prices*, i. 303, 309.

from the dwellings of men.[1] Labour on the granges should be done by lay-brothers and hired servants.[2] Villeins were a forbidden possession.[3] The earlier Cistercian houses in England, such as Fountains,[4] were founded in desolate spots, and at first endowed largely with waste moors and rough pastures on which there would be no villeins. Later statutes do not recognise any right to hold villeins, but these certainly existed on the estates of the Abbey of Meaux [5] and elsewhere in the thirteenth and fourteenth centuries, and would be naturally acquired with the lands, which were subsequently bought or given. The Rule of Sempringham also contemplated the cultivation of the granges by lay-brothers and hired servants [6] on the lines of the Cistercians. It nowhere forbade the possession of villeins. The importance of a sufficient supply of hired labour was recognised in the agreement which was concluded between the Cistercian and Gilbertine Orders as early as 1164.[7] No one might draw away or receive hired labourers from a house of the other Order until they had fulfilled their time of service. It was usual in Cistercian churches to screen off a portion of the nave for their use.[8] In the middle of the thirteenth century the hired servants of some of the Cistercian houses were protected by Papal bulls from excommunication in any controversy about payment of tithes.[9]

It seems that there were very few villeins on the estates of Malton.[10] There is a rental [11] of the property of the house,

[1] *Les Monuments Primitifs de la Règle Cistercienne*, ed. Ph. Guignard, p. 251, cap. v.

[2] *Ibid.* cap. viii. [3] *Ibid.* cap. ix.

[4] *Monasticon*, v. 216, no. ix.

[5] *Chronicon Monasterii de Melsa*, ed. E. A. Bond, i. 221, 229, 361, iii. 5, 126, 127.

[6] *Monasticon*, vi. 2, p. xl., cap. xi., p. lix, cap. i.

MS. Stowe, 937 f. 146, Brit. Mus. Cf. *Cartularium Abbathiæ de Rievalle ordinis Cisterciensis*, ed. J. C. Atkinson, p. 182, Surtees Soc.

[8] *Yorkshire Archæological Journal*, vii. 243.

[9] E.g. *Coucher Book of Furness*, ed. J. C. Atkinson, Part iii. p. 606, Chetham Soc. ; W. de Gray Birch, *Collections towards the History of the Cistercian Abbey of Stanley in Wiltshire*, p. 6.

[10] MS. Cotton, Claudius D xi. ff. 235ᵛ–237ᵛ. [11] *Ibid.* ff. 267ᵛ–271.

but no record of any labour services, and only two men are set down as 'homo noster.' Four villeins were manumitted by Prior William, who gave them lands for which they paid him a money rent.[1] Some other houses of the Order probably had more villeins, for at the Dissolution they were still found on the estates of Chicksand and Shouldham.[2] Among the injunctions of the visitation of Ottoboni in 1268 was one prohibiting the manumission of servile lands and serfs by priors without the consent of the Master of the Order and of the convents.[3]

These labourers at the granges should be carefully distinguished from the household servants of the priory. This latter class was largely represented in the Benedictine monasteries, at any rate after the Norman Conquest,[4] and continually tended to increase: in some houses they held their offices by hereditary succession, and possessed considerable estates.[5]

A list of these servants at Malton shows[6] how they had taken the place which, at the founding of the Order, was filled by the lay-brothers. Three were constantly employed in the kitchen, four in the bakery, two in the brewery. As the Rule suggests,[7] the supply of lay-brethren evidently fell far short of the demand, and, indeed, a life of hard labour under monastic discipline was unattractive. In the middle of the thirteenth century the man who in former times under the influence of religious enthusiasm would have become a lay-brother, then preferred to be a free servant. He entered into a contract for a time at a fixed rate of wages, and sometimes had clothes[8] as well as food, including meat,[9] from his employers. Sometimes

[1] MS. Cotton, Claudius D xi. ff. 236ᵛ, 237ᵛ, 247.
[2] *Monasticon*, vi. 2, pp. 951, no. iv., 975, no. iii.
[3] MS. Douce, 136, f. 89.
[4] *Liber Henrici de Soliaco*, ed. J. E. Jackson, pp. 10–17, Roxburghe Club; *Chronicon Monasterii de Abingdon*, ed. J. Stevenson, ii. 238–243.
[5] Cf. P. Vinogradoff, *Villainage in England*, pp. 320–322.
[6] MS. Cotton, Claudius D xi. f. 271ᵛ.
[7] *Monasticon*, vi. 2, p. lxvii, cap. xvii.
[8] MS. Cotton, Claudius D xi. f. 275ᵛ, 'pro panno garcionum.'
[9] *Monasticon*, vi. 2, p. xli, cap. xiii.

a man made provision for his life by purchasing a corrody in exchange for the gift of his toft. At Malton, William of Hainton got the maintenance of a free servant for life by promising to obey the prior and cellarer, and to serve the house as well as he knew how.[1]

The question of the discipline to be maintained among the regular servants of the priory and granges of the Gilbertine houses exercised the minds of the visitors in 1268, and evidently the reports which reached them were not altogether satisfactory. They issued an injunction that the keys of the outer gates at night were to be in the charge of a lay-brother, and under no circumstances given to a secular, so that no servant might go abroad by night.[2] If any servant did get out after the gates were locked, a severe punishment awaited him, and a second offence brought expulsion from the service of the house. At the priory, as well as at the granges, servants and labourers were forbidden to go off the monastery lands without special leave; if they disgraced themselves when away with leave they were also liable to punishment and expulsion.

The most important feature of the receipts is the extent to which they exceed the revenues of the house as assessed for the Norwich Taxation in 1256. The total income was set down at 526*l.* 13*s.* 6*d.* in 1256, and 613*l.* 8*s.* 4*d.* in 1257. The value of the spiritualities and temporalities of Malton, according to the Norwich Taxation, was 281*l.* 3*s.* 4*d.*,[3] and the tenth therefore was only 28*l.* 2*s.* 4*d.* Some additional details,[4] furnished by the scribe, of the way in which the house was assessed, explain the difference between the income and the revenue for taxation. The temporalities were valued at 130*l.* 5*s.* 4*d.*; of this sum 55*l.* 6*s.* 8*d.* was accounted for as immovable property, and would represent the estimated rental of the lands of the priory and its granges which were

[1] MS. Cotton, Claudius D xi. f. 264.
[2] MS. Douce, 136, ff. 89, 89^{v}.
[3] MS. Cotton, Claudius D xi. f. 278^{v}.
[4] *Ibid.* ff. 279, 280.

farmed by the canons. Of the movables 60*l.* 13*s.* 4*d.* was received in rents from the tenants, while the remainder, 23*l.* 5*s.* 4*d.*, would be the value of the stock and certain smaller sources of income, such as profits from mills and perquisites from the manorial courts. It is clear that at that time the main source of income of the canons of Malton, their wool, was untaxed, for in accordance with their charters they were exempt from all customs at the ports or elsewhere.[1]

In view of these figures the value of the wool trade in the thirteenth century to the Cistercians, Gilbertines, Premonstratensians, and to some Augustinian canons, is a very important consideration.[2] It would appear that there is no means of estimating the incomes of the houses thus engaged in the wool trade, and that the revenues assigned to them in the taxation of Pope Nicholas give no clue at all. The taxation was completed between 1288 and 1292, and the assessment was made on the same lines as the Norwich Taxation of 1256. The profits of the wool trade may explain the great amount of building which the Cistercians undertook in the thirteenth century; they were not sufficient to keep them out of debt, but without them it is difficult to realise how the building could have gone on. The methods by which the Benedictines raised money [3] were scarcely available for them; they possessed hardly any shrines or wonder-working relics, and they were forbidden by a statute of the general chapter to go about preaching to get money for building.[4] It was probably out of the profits of the wool trade, too, that Edward II. expected the Master of Sempringham to provide a loan of a thousand marks in 1313,[5] and again of 2,000*l.* in 1315,[6] at a time when the revenue of the Order was assessed at scarcely over 3,000*l.*

[1] MS. Cotton, Claudius D xi. ff. 28, 28ᵛ.

[2] Cf. W. Cunningham, *The Growth of English Industry and Commerce*, pp. 545–550.

[3] E.g. *Gesta Abbatum Monasterii Sancti Albani*, ed. H. T. Riley, i. 219.

[4] *Nomasticon Cisterciense*, ed. H. Séjalon, p. 346.

[5] *Parliamentary Writs*, ii. part ii. p. 66, no. 9.

[6] Cal. Rot. Cl. 8 Ed. II. m. 12 d.

In fourteen years, the canons of Malton made 5,224*l.* 9*s.* 3*d.* from the sale of wool. In the best year, 1251, their gross profits were 460*l.* 16*s.* 8*d.*; in the worst, 1255, 243*l.* 19*s.* 8*d.* Like the Cistercians and their brethren of Lincolnshire [1] at the same time, the canons of Malton were doubtless engaged in a trade which was illicit according to their Rule, and seriously affected the pockets of the bailiffs, who thus lost toll and tronage. A rough approximation of the stock of Malton, from the figures of the Norwich Taxation, shows that it was utterly impossible for the canons to have obtained the whole of the wool from their own flocks. The conclusion is that they organised an immense trade in Yorkshire, and collected wool with great success. The methods of carrying on this lucrative trade impressed the Papal legates, or the clergy who conducted visitations for them. Anything savouring of trade, as unbecoming to the religious, was forbidden by Otto in 1238,[2] and again by Ottoboni in 1268.[3] In the visitation of the Gilbertines in 1268, the practice of collecting and selling the wool of others was mentioned and once more forbidden.[4]

In some of the houses of the Order it was customary, at least in the first half of the thirteenth century, to make the wool into cloth not only for the use of the community but also for sale to seculars.[5] Cloth of Sempringham [6] was noted in the reign of John. However, it was probably restricted to the double houses in which some of the labour might be done by the nuns and sisters.[7] The canons of Malton found it more profitable to sell their wool and buy at least some of the cloth for their own use and that of their servants.

As the gains of the wool trade were so large, it is easy to understand how futile it was to attempt to check it as a matter of ecclesiastical discipline, especially when exercised

[1] *Rot. Hundred.* ii. 317 *a*; *Rot. Parl.* i. 156–7.

[2] Matthew Paris, *Chronica Majora*, iii. p. 500.

[3] Wilkins, *Concilia*, ii. p. 16, cap. xliii.

[4] MS. Douce, 136, f. 89; cf. *Monasticon*, vi. 2, p. lxvi, cap. xiv.

[5] *Monasticon*, vi. 2, p. xliv, cap. iv.

[6] *Documents illustrative of English History in the Thirteenth and Fourteenth Centuries*, ed. Henry Cole, p. 267. Record Commission.

[7] *Monasticon*, vi. 2, p. xl, cap. xi.

through the Papacy. It would have been necessary to effect radical changes in the expenditure of the house.

The value of the spiritualities of Malton according to the Norwich Taxation was 150*l.* 18*s.* 0*d.*, and out of this sum 56*l.* 16*s.* 8*d.* represented offerings. These were larger, owing to the more frequented situation of Malton, than those of the head house of Sempringham [1] which contained the shrine of St. Gilbert. As in appropriated churches, in which vicarages were created, offerings were usually assigned to the vicar, those of Malton were doubtless made in the priory church. The canons, like all other religious and secular clergy in the thirteenth century, were keenly aware of the financial value of indulgences, and sought after them. In 1229 John, bishop of Sodor and Man, dedicated an altar to St. Nicholas and St. Catherine, blessed a great cross, and relaxed fifteen days of penance to those coming to do honour to them.[2] In 1253 Gilbert, bishop of Whitherne, dedicated an altar to St. John the Baptist, St. Gilbert, St. Catherine, and St. Edmund, archbishop of Canterbury,[3] who had only been canonised in 1247, and was reputed to be working miracles at Pontigny [4] and at the Benedictine nunnery of Catesby.[5] The Gilbertines, too, got their full share of the conspicuous and lucrative increase in indulgences which were granted in Western Christendom by Nicholas IV. In 1292 he relaxed a year and forty days of penance to penitents visiting the church of St. Mary at Malton on the four feasts of the Virgin and the feasts of the dedication and of St. Gilbert.[6] It seems that the canons wanted the longer indulgence to attract offerings which no longer came in, for the spiritualities of Malton in 1292 had fallen considerably in value.

With regard to the great tithes of appropriate churches, it would appear that in some years the canons received them in kind for the use of the house, in others that they found it more profitable to sell them on the spot. It seems impossible

[1] MS. Cotton, Claudius D xi. f. 278ᵛ. [2] *Ibid.* f. 42ᵛ.
[3] *Ibid.* f. 42ᵛ. [4] Matthew Paris, *Chronica Majora*, iv. 103.
[5] *Ibid.* 104. [6] *Calendar of Papal Letters*, ed. W. H. Bliss, i. 523.

otherwise to account for the extraordinary fluctuations in the sums paid into the treasury as the proceeds of tithes in the appropriate churches. The value of the separate benefices as set down in the Norwich Taxation in 1256[1] is therefore a valuable supplement.

The privileges of an exempt Order were very real from the financial aspect. The Master of Sempringham had no benefices or other property set aside for the expenses of his visitations and other duties which might devolve on him.[2] His train might never exceed six horses,[3] while by the bull of 1253 an archdeacon was allowed seven, a bishop thirty, an archbishop fifty.[4] It seems probable that at this time each house of the Order was contributing to the 'communa magistri' in proportion to its means, and that the sum was voted each year at the general chapter at Sempringham. Malton, as a single house, was the most wealthy. In fourteen years the canons paid 81*l.* 7*s.* 2*d.*, the sums varying from 4*l.* to 13*l.* 10*s.* 0*d.* Successive Papal bulls were effective in protecting the canons of Malton from any undue exactions of archdeacons on account of their appropriate churches.[5] The sum charged yearly for their lodging and for synodal dues from 1253 to 1257 was only 2*l.* 16*s.* 2*d.*

Lawsuits are an important feature of monastic history in the thirteenth century. In only four out of these fourteen years, no law expenses are entered in the accounts, and even these omissions may be due to the scribe. Though he wrote nothing against the item 'pro placitis' in 1254 and 1255, in 1254 there is an entry on the Curia Regis Roll[6] of a claim made by Agnes, wife of William of Vescy, against the Prior of Malton for a third of a messuage and ten acres of land in

[1] MS. Cotton, Claudius D xi. f. 278ᵛ.

[2] *E.g. Calendar of Papal Letters*, ed. W. H. Bliss, i. 155.

[3] *Monasticon*, vi. 2, p. xxxi, cap. iv.

[4] *Annales Monastici*, ed. H. R. Luard, iii. 186.

[5] MS. Cotton, Claudius D xi. ff. 10, 11ᵛ.

[6] *Curia Regis*, no. 154, Trin. 38 H. III. m. 9. Cf. *Notes on the Religious and Secular Houses of Yorkshire*, ed. W. P. Baildon, i. 119, Yorkshir Archæological Soc. Record Series, xvi.

Malton and a third of a house, a mill, and ten marks rent in Wintringham, and a third of a messuage and ten acres of land in La Brend as her dower. The total of the recorded law expenses amounted to 170*l.* 11*s.* 4½*d.*, and in 1252 as much as 55*l.* was incurred. In that year the prior was summoned to appear at Westminster to answer Amice, widow of Ralph of Bolebeck, who claimed the third part of a mill, a bovate and twenty acres of land, and fifteen acres of meadow in Levesham as her dower.[1] In 1249 16*l.* was paid for the pleas at the Assize of Pickering Forest.[2]

Another item in the expenditure, 'gifts to sheriffs and bailiffs,' illustrates a general grievance in the reign of Henry III.[3] Between 1244 and 1257 the canons were compelled to pay them 94*l.* 14*s.* 3*d.*, and in 1253 19*l.* 13*s.* 6*d.* They were exempt, by the charters of Henry II. and Richard I.,[4] from attendance at the sheriffs' courts, and from all aids and contributions towards the ferms of the shire. In John's charter [5] they were made exempt 'a donis,' and again in Henry III.'s confirmation.[6] Such gifts, however, as the canons of Barnwell recognised,[7] were clearly measures of expediency.

The Gilbertines were exempt from all taxation by the charter of Henry II., and by successive charters of Richard I., John, and Henry III., covering every financial device by which those kings filled their exchequer. Like other similarly exempt Orders, their liability to contribute to the Papal treasury for the crusades or some other general need of the Church finally put them in the power of the Crown. In 1256 Alexander IV. granted to Henry III. the tithes from all

[1] *Notes*, &c. i. 119; *Curia Regis*, no. 148, Mich. 36-37 H. III. m. 37 d.

[2] MS. Cotton, Claudius D xi. ff. 276, 282.

[3] Cf. Matthew Paris, *Chronica Majora*, iii. 361, vi. 397; *Annales Monastici*, ed. H. R. Luard, i. 424.

[4] MS. Cotton, Claudius D xi. ff. 28, 28ᵛ.

[5] *Rotuli Chartarum*, ed. T. D. Hardy, p. 18.

[6] MS. Cotton, Claudius D xi. f. 30ᵛ.

[7] *Munera ministris regiis, seu aliis que pro utilitate vel redimenda vexacione prelatus] dare decreverit . . . de communi accipiat.* Cf. *Customs of Augustinian Canons*, ed. J. W. Clark, p. 48.

ecclesiastics and religious for five years, and the result was the Norwich Taxation. The confusion in the minds of the religious as to the nature and object of the sums taken from them is shown in the accounts of Malton, for the subsidy of the Pope and the tallage of the Order are reckoned as one item. Malton was assessed to pay 28*l.* 2*s.* 4*d.*, and in 1257 the sum of 28*l.* actually appears. The payments in 1254 and 1255 also apparently corresponded to the tenth. It would be interesting to know for what reason in 1256 only 10*l.* was paid, for, judging from the receipts, it was a better year than 1255.

The very various methods employed by papal agents in England in Henry III.'s reign are answerable for the differences in the sums which appear in the accounts from 1244 to 1253. Procurations and voluntary offerings under pressure made up the sum when the Pope issued no special demand. Wykes mentioned the Order of Sempringham as exempt from contributing to a sum of six thousand marks extorted from the religious in 1245,[1] nevertheless 15*l.* appears in the accounts. In two years they got off very lightly, paying under 3*l.* In others, however, they paid heavily: in 1252 the amount was 61*l.* 8*s.* 8*d.*, within a few pence of a tenth of their gross income, and in the following year 140*l.* 13*s.* 4*d.*, which was more than a fifth of it. Again, in 1255, besides paying a tenth to the king, they had to provide a subsidy of 80*l.* for the Pope. In 1252 and 1253 the proctors of the Order were at Lyons seeking several bulls from Innocent IV., and it may be that he only granted them in consideration of these large sums.

An item appears beneath the expenditure each year as 'Debita' without any explanation. The scribe's totals of receipts and expenditure allow a small balance. Moreover, on another leaf of the cartulary there is an explicit statement of the financial position on the death of Prior William in 1256,[2] showing the payments due to and from the house, and

[1] *Annales Monastici*, ed. H. R. Luard, iv. 94.
[2] MS. Cotton, Claudius D xi. f. 2ᵛ.

working out on the right side. However, the scribe wrote down that the house remained indebted in the sum of 27*l.* 5*s.* 0*d.* because the forty marks owed by John of Lexington could not be counted on. As Justice of the Forests north of the Trent[1] he would be too powerful to be pressed for payment, but perhaps the money was recovered from his executors after his death in 1257.[2] As at the end of 1256 the 'Debita' amounted to 251*l.* 13*s.* 4*d.*, some other source than the actual expenses of the house must be sought. Apparently the debts were incurred in the legal expenses of the Order at the Papal Curia. The years of these accounts are commensurate with the pontificate of Innocent IV., whose capacity for squeezing the purses of the English monasteries was only equalled by his complaisance in granting bulls exempting them from the various financial exactions practised by his agents. The Calendar of the Papal Registers[3] and the two surviving cartularies[4] of the Order furnish a long list of bulls which were granted to the Gilbertines between 1245 and 1256. Indeed more were granted in these few years than at any preceding or subsequent period in the history of the Order. One loan of 1,500 marks which the Gilbertine proctors at the Curia contracted in 1253 is on record.[5] According to the Rule the expenses of obtaining these bulls would be borne by the houses of the Order in proportion to their means.[6] The relative wealth of the different houses in 1256, as shown in the Norwich Taxation,[7] makes it clear that it was impossible for some of them to contribute at all. Of the richer houses, Malton, as a community for men only, was in the most favourable financial position, and might therefore be expected to find a large part of the necessary funds.

[1] Matthew Paris, *Chronica Majora*, v. 379. [2] *Ibid.* v. 610.
[3] *Calendar of Papal Letters*, ed. W. H. Bliss, vol. i.
[4] Cf. MS. Laud, 642, Bodleian Library.
Calendar of Papal Letters, ed. W. H. Bliss, i. 284.
Monasticon, vi. 2, p. xxxii, cap. iv.
Cotton, Claudius D xi. f. 278^{v}.

In conclusion it may be said that these accounts only throw light on the material side of the life at Malton under Prior William of Ancaster. They contain nothing to show that these Gilbertine canons had interests outside farming and trading. However, there is evidence from another source[1] that in 1245 they had a school. If they confined their studies to canon and civil law for the sake of practical advantages, such neglect of theology and philosophy was only a characteristic of their time.[2] Although the religious were forbidden to practise medicine by the Lateran Councils of 1139, 1179, and 1215,[3] the legatine visitation of 1268 allowed those Gilbertine lay-brothers who were skilled in surgery to make use of their art if the patients were men, and their prior gave them leave.[4]

[1] MS. Laud, 642, f. 3, Bodleian Library.

[2] Matthew Paris, *Chronica Majora*, v. 427, vi. 293.

[3] Labbe, *Sacrorum Conciliorum Collectio*, ed. Cossart, xxi. 528, cap. ix.; xxii. 373, cap. ii.; xxii. 1010, cap. xxii.

[4] MS. Douce, 136, f. 89v.

ff. 275ᵛ, 276]

RECEPTUM DOMUS MALTONE

Anno Domini M°C°XL.	Quarto	Quinto	Sexto	Septimo	Octavo	Nono	L°	Li°	Lij°
In bursa	lxiiij sol. v d.	xxj sol. ob.	xix li. xiiij sol. x d.	xliij sol.	vij sol.	x sol. v d.	x d. ob.	cvij sol. vij d.	xiij sol. ix d.
De Sancta Maria	cxvij sol. viij d.	vj li. iij d.	vi li. v sol.	vj li. xv sol.	vj li.	cviij sol.	c sol.	cv sol.	c s.
De Sancto Petro	ciij sol. iiij d.	vj li. vj sol.	cx sol.	ix li.	v li. xij sol.	vj li. xx d.	vij li. xj s. vj d.	xlviij sol. viij d.	xl li. vj sol. viij d.
De Sancta Helena	iiij li. xj sol. iiij d.	cx sol.	vij li.	iiij li. xvj sol. viij d.	v li. x s. iiij d.	vij li. ix sol. viij d.	cx s. iiij d.	viij li.	vij li. vj sol. viij d.
De Martona	xv li. iij ob.	x li. xiij sol. iiij d.	xxx li. ix d.	xl s.	xxvj li. xiij s. iiij d.	iiij li. v sol.	xxij li. xiij s.	xx li.	xx li.
De Wintringtun	xx li. vj sol. vij d.	xxiij li. v s. v d.	lxiiij li. iij sol. vij d.	xj li. ij sol. vj d.	xxxix sol.	xiij sol. iiij d.	xij li. xv sol.	xxvij li. xiij sol.	xlj li. xvij s. vj d.
De Anecastre	xvj li.	—	xl li. xvij sol. viij d.	xviij li. x s. ij d.	xxiiij li.	xiij li. vj sol. ix d.	xij li. vij s. vj d.	xxviij li. xiij sol. iiij d.	xv li.
De Brenda	xiiij sol.	ciiij sol. x d.	xij sol.	xv sol. vij d.	—	—	—	—	liij s. ix d.
De molendinis	iiij li. x sol.	xlv sol.	liij sol. vj d.	xl sol.	lix s. v d.	ciij sol. iij d.	iiij li.	xl s.	—
De fermis annuis	xlvij li. xvij sol.	xlvij li. xvij sol.	xlviij li.	xlviij li.	l li. xi s. vij d.	lx li. iij sol.	lx li. xviij d.	lx li. ij s.	lx li. ij s.
De lana	ccc xx iiij ij li. iiij s. iij d. ob.	ccc xx iiij iij lib. ij s. iiij d.	ccc xx iiij iij li. xviij s. vij d.	ccc xx iiij xv li. xvj s. viij d.	cccl xj li. vij s. v d.	cccc xl li.	cccc xl iij li. viij s. vjd.	cccc li. lx·xvj sol. viij d.	cccl x·xvj li. xiij s. iij d.
De decima lane et agnorum	xvj sol.	x s. vj d.	xij s.	xj s. vij d.	xiiij s. iij d.	viiij sol. vj d.	xxiiij s. viij d.	xij sol.	xij sol. iij d.
De amerciamentis et eventibus	liij sol.	xlj sol. ij d.	xx sol. viij d.	lvij sol. viij d.	vij li. iij sol. j d.	iiij li. iij sol. vj d.	iiij li. iiij s. iiij d.	lxxvi s. viij d.	vij li. x s. ij d.
Summe recepti annui [1]	dxl li. iiij sol. vij d.	dviij li. xix sol.	xx diiijvj li. xvij s. ix d. ob.	dc li. xxj sol.	dxlv li. xv s. ij d.	dlxxj li. xvi sol. viij d.	dxlij li. xviij d. ob.	xx dciiijvij li. xiiij s. x d.	dcxix li. ix s. x d.

[1] Sic MS.

f. 276ᵛ]

RECEPTUM [DOMUS MALTONE]

Anno Domini M°C°CL	Tercio	Quarto	Quinto	Sexto	Septimo
In bursa	lvij sol. vi d. ob.	iiij li. xv s. vij d.	xxij s. viij d. ob.	xxix s. iij d. ob.	xiiij s. viij d.
De altari Sancte Marie	cx s.	vj li.	viij li.	vij li. viij sol. iiij d.	v li. xvij s.
De Sancto Petro de Wintringham	xlix s.	iiij li. xv s. x d.	iij li. viij s. ij d.	lxiij sol.	lxvij s. iij d.
De Sancta Helena	vii li. v s.	vij li. xviij s. x d.	vj li. xvj s. ij d.	vj li. xiij s. iiij d.	iiij li. xix s. viij d.
De decima de Wintringtun	xxij li. ij d.	xvij li. xj s. ij d.	xxxij li. xvij s. iiij d.	xxvij li. et xl qu frumenti xviij d.	xvij li. xviij s. vj d.
De decima de Ancastre	xvij li. xiiij s.	ix li. ij s. x d.	xiiij li. xij s. iij d.	xvj li. xiij s. iiij d.	xxvij li. xij s. vj d.
De decima de Martona	xxiiij li. xiij s. iiij d.	lxxiiij li.	xvij li. vj s viij d.	xxj li. vj s. viij d.	xxvj li. xiij s. iiij d.
De Brenda	—	—	iiij li. vj d.	cxvij sol. viij d.	xxvij s.
De molendinis nostris	xiij sol. iiij d.	xxvj s. viij d.	xxx s.	—	—
De fermis annuis	lx li. xiij s. vij d.	lx li. xiij s. iiij d.	lx li. xiij s. iiij d.	lx li. xiij s. iiij d.	lx li. xiij s. iiij d.
De lana	ccccxviij li. xx d.	xx cciiij·xix li.	ccxliij li. xix s. viij d.	cccvij li. xiij s. iiij d.	cccxlij li. xij d.
De decima lane et agnorum	iiij s. vj d.	viij s. ob.	xiij s.	xij sol. ob.	—
De releviis et amerciamentis	c sol.	iiij li. xiiij s. vi d.	lxxij s. viij d.	vj li. vij sol. viij d.	lx·xix s. vij d.
De porcis subcellerarii	—	—	xxix s.	xx s.	xxx s.
De Walden	—	—	xxiiij li. ij s. viii d.	xxxiiij li. ij d.	xliij li.
Summe recepti annui	xx dciiijxi li. xvj s. v d.	dvii li. iij s. xj d. ob.	dcli li. ij d. ob.	dxxvj li. xiiij s. vj d.	dcxiij li. viij s. iij d.

APPENDIX II

EXPENSE DOMUS MALTONE

Anno Domini M°CC°XL.	Quarto	Quinto	Sexto	Septimo	Octavo	Nono	L°	Li°	Lij°
Pro pitancia	iiij·ij li. x s. v d. ob.	lxxvi li. ix s. iij d.	iiij viii li. xiij sol.	iiij li. xlvi sol. ij d.	lxviij li. vij d.	lx li. xij s. j d.	lx li. x s. ij d. ob. qdr.	lx li. xviij s. ob.	lxv li. j d. ob.
Expense grangiarum	lxvj li. xj s.	cviij li. x d.	iiij li. xliij s. vj d.	c li. lv sol. viij d.	lxxij li. ix sol. vj d.	iiij·xvij li. xv s. v d. ob.	cv li. iij s. viij d.	cvij li. viij s. x d.	iiij li. viij s. vj db. pro lardario iiij·xvij li. xiij sol. xj d. ob.
Pro terris perpetuis emptis	xlix li.	xxiiij li. viij s. d. ob.	xxxix li. vij s. v d.	xxvj li. x s. viij d.	xxxvij li. ij s.	xv li. viij s. x d.	cxix sol. ij d.	clxij li. xvij s. vj d. ob.	xxiij li. viij sol. viij d.
Pro terris et pratis conductis	xij li. xviij s. v d.	xiiij li. xij s. ij d. ob.	viij li. xvj s.	xx li. xv s. j d.	lxix sol. x d. ob.	xlix li. xvij s. viij d.	xj li.	xxij li. x s. iiij d.	xxj li. xij sol. x d.
Pro edificiis	xxj li. xix s. vj d. ob.	xxxvij li. vij s. xi d.	xxxiiij li. viij s. vj d.	xxvij li. ix sol.	xxxiiij li. iij sol.	xxvj li. ix s. ix d.	xxxj li. xiiij s. vij d. ob.	xliiij li. i d. ob.	xxxiij li. xv s. ix d. ob.
Pro blado empto	xlvij li.	lij li. viij s. vij d.	iiij li.	cxviij li.	cxxxviij li. viij d.	lxx li. xvij s. vj d.	iiij·ix li. vij s. ij d.	lviij li. xiij s. iiij d.	lxvij li. iiij d.
Pro ferro	xxviij li. vj sol. iij d. ob.	xxiij li. xiiij d. ob.	xxvij li. viij sol. vij d.	xv li. xviij sol.	xxiij li. v. sol. iij d.	xxv li. xviij s. viij d.	xxv li. xix s. j d.	xxvj li. xvj s. i d.	xxvj li. ix sol. vj d.
Pro focalio	lxxj sol. iij ob.	viij li. xi s. iiij d. ob.	vij li. vij sol.	iiij li.	xxvj sol. vij d.	iiij li. xiij s. ix d. ob.	ix li. xx d.	xi li. xvij s. ix d.	xvj li. ij s. x d.
Pro bobus, equis emptis	xxvj li. vj sol.	xlij sol.	xvij li. xiij sol. j d.	xij li. xv sol.	x li. vij d.	xvij li. xvj s. viij d.	xij li. xiij s.	xij li. xvj s.	—
Dortorario ad pannos	cx sol.	clx sol. xxiii d.	clxx sol.	iiij li. xiiij sol.	c. sol.	cx sol.	c sol.	c sol.	c sol.
Pro carbone	liij s. vj d.	lxx sol.	lx sol.	xliiij sol.	lxxiij sol. ij d.	lxxv sol.	lv sol.	iiij li.	iiij li.
Pro sepo	xli sol. x d.	xxxviij sol. x d.	xiiij sol. ix d.	xxx s. vj d.	xvij sol.	xvij sol. i d.	xxxvj s. iiij d.	xl sol. viij d.	xxvij sol.
Pro vino et aliis necessariis	lxvij li. viij s. iiij d. ob.	xxvij li. xij s. iij d.	xxxviij li. xij s.	iiij li. xlvij sol.	xxxix li. xi sol. x d.	xliiij li. vj s. v d.	xxxij li.	xxxv li. ij d.	xxxv li. ij d.
Pro communa magistri	cviij sol.	cv sol.	cxi sol.	cv sol.	lxv sol. ij d.	vj li. vj sol.	vj li. iij s.	cxiiij s.	cxiiij s.
Pro subsidio Pape et talliagio ordinis	viij li. xvij s.	xv li. vi s. viij d.	liij sol. iiij d.	x li.	vij li. iij s. iiij d.	cxvj sol. x d.	xvij li. xv s.	xlvj sol. viij d.	lxj li. viij sol. viij d.
Pro materia caretarum et bigarum	xlvij sol. viij d. ob.	xix sol. ob.	xxxv sol. ij d. ob.	xl sol. vij d.	lxiij s. vj db.	xxvij sol. vij d. ob.	lviij s. ix d.	iiij li. iiij s. ob.	xlviij sol.
Pro mercedibus serviencium	xi li. vij sol. iij d.	xj li. vij s. vi d.	xi li. vij sol. vj d.	xij li. x sol.	ix li. vij s. viij d.	xij li. x sol.	xiij li.	xiij li. x s.	xiij li. x sol.
Pro decimis excuciendis	lxvj sol.	lxxiij sol. iij d.	iiij li. xvi sol.	lv sol. vj d.	xliiij d. ob.	xlv sol.	iiij li. ij s. iiij d. ob.	xxxix s. i d. ob.	xxxiij s. ix d.
Pro diversis cariagiis	xxij sol.	xvi s. x d.	lx·xij sol. ij d.	xxxiij sol. vij d.	xlj s. vj d. ob.	xvj sol.	xxvij s. ij d. ob.	xlj s. i d.	xxxij s. v d.
Pro expensis prioris et cellerarii	lxii sol.	xlviij sol. iij d. ob.	lxviij sol. v d. ob.	cvij sol. ij d.	iiij li. xj s. vj d. ob.	xx sol. vj d.	cxv s. v d. cum canonicis fratribus	lx·xij s. vij d. ob.	vj li. xiij s. iiij d.
Pro expensis canonicorum [et] fratrum	x sol.	xx s.	xlviij sol. ij d. ob.	xxij sol. vij d.	cxvj s. iij d.	xxij sol.	—	—	—
Pro donis vicecomitibus et ballivis	cx sol.	vj li. iiij s.	lv sol. viij d.	xxix sol.	lxij s.	iiij li. iiij sol. iiij d.	xj li. vij s. x d.	lxv s. x d.	lxviij s. x d.
Pro hernasio in stabulo	lxviij sol. vj d.	liiij sol.	xl sol. iiij d.	lvij sol.	xxxviij s. x d. ob.	lxiij sol.	xlvj s. ix d. ob.	lx·ix sol. j d.	lvij sol. viij d. ob.
Pro panno garcionum	xxiiij sol.	lij sol. vij d. ob.	xl sol.	l sol.	xix s. iiij d. ob.	xxxix sol. iij d.	xlviij s. iij d.	xxvj s. ix d. ob.	xlviij sol. vij d.
Pro lana paranda	xxx s. vj d.	xxix s. ix d.	xxx sol. vij d.	xxxv sol. iiij d.	xxxvij s. vj d.	xxviij sol. ix d.	xxvij s. iiij d.	xxx s. ij d.	xxxj sol. viij d.
Pro ovibus lavandis et tondendis	xvj s.	xvj s. ij d.	xvj sol. vj d.	xvj sol.	xiiij s. ij d. ob.	xvj sol. vj d.	xvij s. v d.	xvij s. vj d.	x sol. iiij d.
Pro diversis placitis	cxvij sol. viij d.	iiij li. xij d.	xxiiij li. ix s.	x li. vj sol.	cix sol. ob.	xvj li.	—	—	lv li.
Pro aliis expensis necessariis	lv sol. ij d. ob.	xlviij sol.	iiij li. xvij s. vj d.	lxxviij sol. iij d.	xl s.	xvij sol.	—	xviij li. x s. vj d.	—
Summe expensarum annue[1]	dxxxix li. iij sol. vj d. ob.	cccc·iiijix li. iiij s. ij d.	d·iiij·iiij li. xiiij s. v d.	dc li. xiiij s. vj d.	d·xlv li. v s. vij d.	dlxxj li. xv s. ix d. ob.	dxxxvj li. xiij s. xj d. ob.	dciiij·vij li. iiij d.	dcxvj li. xij s. ij d. ob.
Debita	iiij s. ii d.	c marcas	xxxiiij li. viij s.	c li.	lxvj li. xiiij s. iiij d.	lx·xviij li.	xxx li. xiij s. iij d.	lx·xiij li. vj s. viij d.	ix·v li. xiij s. iiij d.

[1] Sic MS.

A SUPPOSED CONSPIRACY AGAINST HENRY VII.

By JAMES GAIRDNER, LL.D., C.B.

Read November 19, 1903.

IN the last volume[1] of our Transactions is printed a paper by Mr. Leadam, which I had the privilege of hearing when it was read before the Society on May 15, 1902, on 'An unknown Conspiracy against Henry VII.' I had not at that time the opportunity of reading the documents on which it was founded, and the few remarks I was able to make upon the subject at the meeting were, I fear, not very edifying. One or two mysterious points are certainly involved in the evidences; but on examining the sources I confess it seems a little doubtful to me whether there was really any such conspiracy against Henry VII. as Mr. Leadam infers from them. The truth, however, if my view of it is correct, is not a little interesting, and very much in keeping with the dark doings of that troubled period.

The document, or documents, on which Mr. Leadam's paper is founded (for there are two connected papers) were found among that mass of miscellaneous papers in the Record Office which has been labelled 'Star Chamber Proceedings,' though many of them have a doubtful right to be so called. And Mr. Leadam may be right in questioning whether these papers are so; but though they may not be in the ordinary sense proceedings of the *Court* of the Star Chamber, they certainly seem to be examinations taken for the purpose of

[1] Vol. xvi., the last published at the time the paper was read.

being submitted to the Privy Council, which commonly met in the Star Chamber at Westminster. But whatever be the proper technical description of these papers, their contents are of some significance, and as they are distinctly dated in the eighteenth year of Henry VII. (1503) there is no difficulty in bringing the information they contain into line with well-known facts. The whole story, in fact, is connected with one particular episode in the reign of Henry VII. which, it is very well known, caused the King much anxiety—the flight of Edmund De la Pole, and his maintenance beyond the sea. Let us briefly recall the circumstances.

Edmund De la Pole was the second son of John, duke of Suffolk, by Elizabeth, sister of Edward IV., and was thus a prominent member of the House of York, whose claims to the throne occasioned Henry VII. continual uneasiness. His elder brother, John, earl of Lincoln, had actually supported the impostor Lambert Simnel, who was used as a mere stalking horse by the partisans of the White Rose. But the earl of Lincoln perished at the battle of Stoke in 1487, while his father, the duke of Suffolk, was still alive, and Edmund thus became his father's heir. After his father's death, however, as the family estate had been considerably reduced by his brother's attainder, he agreed to renounce the title of duke and accept that of earl of Suffolk; and as earl of Suffolk he lived for some time in favour, even entertaining the King on one occasion at his house at Ewelme. Suddenly, however, on July 1, 1499, he fled abroad. He reached Calais, stayed awhile with Sir James Tyrrel, the governor of Guisnes (who paid, a few years later, the penalty of treason), and then went on to St. Omer. Henry was alarmed and sent after him Sir Richard Guildford and Richard Hatton—he was sending them, indeed, to the Archduke Philip in September, but he gave them private instructions to use every means to induce the fugitive earl to return to England. Their arguments were successful, and he returned for a time.

Mischief, however, had been done which by-and-by cropped up again. In August strict orders were sent out to the

counties along the eastern coast to prevent anyone else leaving the kingdom without a license. Yet on August 29 Sir Robert Curzon obtained leave of the King by patent to quit his post as captain of Hammes Castle in order to fight against the Infidels. There is no doubt that the pretext was genuine, for Sir Robert did go to fight the Infidels, and thereby won the high esteem of Maximilian, King of the Romans (commonly called Emperor), who created him a baron of the Holy Roman Empire. But in going he consented—I think there is no doubt about it—to do a little business for the King on the way. He had his patent of leave to quit his post; but, unless we altogether discredit the account given by Polydore Vergil and Hall, he quitted it as a fugitive, and in the guise of a disaffected Yorkist wormed himself into Suffolk's confidence. When he reached Maximilian his loyalty to the King was perhaps really shaken; for the judicial murder of the young earl of Warwick had just been accomplished in England; and we might well surmise, even if the fact were not distinctly stated by the Flemish chronicler Molinet, that the English nobility and gentry were exceedingly displeased at it. At all events, whether really disaffected or not, Curzon spoke to Maximilian with indignation of the 'murders and tyrannies' of the King, and of Suffolk's great desire to recover what he called his right. Maximilian at once expressed his sympathy with Suffolk, and offered, if the earl would come to him, to help him to make good his claim to the crown of England. Curzon found the means to inform Suffolk of what Maximilian had said; and the unhappy nobleman, who put far too high a value on a promise of Maximilian's, left England secretly a second time in August 1501. This time he was accompanied by his brother Richard. He reached the Imperial Court in the Tyrol, and met with a kindly enough reception, but it was soon quite clear that the Emperor would find some difficulty in doing anything to make good his word to him. At last he was promised a body of a few thousand men, and was sent to Aix-la-Chapelle till further arrangements could be made.

At Aix the unhappy fugitive remained, while he and Curzon were proclaimed traitors at Paul's Cross (Curzon was treated as a traitor while the King was using him as a spy). At Aix he still remained while the King of England bought Maximilian's friendship for a sum of 10,000*l.*, nominally in aid of his war against the Turks, but with a very express condition in the treaty against his aiding English rebels even of ducal rank. At Aix he remained while his friends in England were committed to the Tower, and some of them suffered capitally. He continued there for over two years, getting into hopeless debt, for which, when he escaped at last, he was obliged to leave his brother as a pledge for him. And then, getting continually out of one difficulty into another, he became the prisoner successively of the Duke of Gueldres, the Archduke Philip, King of Castile, and finally of Henry VII. himself; and he spent his last years in the Tower, and ultimately suffered on the block in Henry VIII.'s time.

Now all this must be kept in mind in interpreting Mr. Leadam's documents. They are, as I have said, of the year 1503, the eighteenth year of Henry VII., while Edmund De la Pole was still at Aix. The first (not in time, but in order as printed) is a deposition, taken on August 6 in that year, of a sawyer named Alexander Symson of Cranbrook, in Kent, stating that in the preceding May his master, Walter Robardes, of Cranbrook, had called him aside and reminded him that he had recently asked whether he could trust him, and that Symson had given him assurance that he might trust him well enough. 'This it is,' said Robardes: 'I would send thee over the sea to the earl or the duke of Suffolk.' Symson could not remember which title he gave him. He said he was quite ready to go, and his master bade him prepare himself for the journey, and take care to learn on the way when he went 'in the duke's lands'—that is to say, the lands of the House of Burgundy in Flanders[1]—from those who had anything to do with Suffolk, what aid he expected

[1] Mr. Leadam thought that 'the duke's lands' must mean those belonging to the dukedom of Suffolk, not to the earldom. But Symson would take his way

to have for the invasion of England, from whom it was to be derived, and how soon the invasion was to take place. As soon as he had ascertained these points he was to return at once and communicate his information to his master. Now this was precisely the information that the King must have been at that time particularly anxious to obtain; and the presumption is, I think, that Robardes had a secret commission from the King to employ an agent to discover it. Mr. Leadam thinks Robardes an intriguer against the King; and yet, from all he tells us himself, I confess I think that supposition very improbable. The first thing known about Robardes is that he was concerned in the abortive rising in Kent against Richard III., along with Sir John Guildford, to avenge the murder of the princes. Under Richard III. he was obliged to take sanctuary, but his attainder was reversed in the first Parliament of Henry VII., and he not only served as sheriff of Kent in Henry's fourth year, but had already received money payments from the King 'by way of reward,' and had also obtained a license to impark and enclose lands in Cranbrook and adjoining places 'in consideration of good and gratuitous services rendered at great cost and heavy expense.' He was, then, a loyal subject at the beginning of the reign—nay, a man of self-sacrificing loyalty; and if he afterwards changed so far as to enter into a conspiracy against the King and become, as Mr. Leadam calls him, an 'arch-intriguer,' it is certainly 'very remarkable,' as Mr. Leadam himself observes, that no adverse consequences appear to have affected him, but that his name occurs in the commission of the peace for Kent at the commencement of the following reign, and is continued till his death in 1522. Surely the simplest explanation is that he never conspired against Henry VII. at all.

I suppose I shall be asked, 'In that case, why were these depositions made?' The answer, I think, will appear by-and-by, when we have examined the whole of their contents.

to the Continent through Kent, and I do not find that the dukes of Suffolk held any lands in Kent except about Greenwich and Deptford. Besides, I think it is clear that his mission was to pick up information abroad from Yorkist refugees.

Symson, we find, having undertaken the commission, prepared to cross the sea to Aix-la-Chapelle in Whitsun week—that is to say, between the 4th and the 10th of June, being furnished by Robardes before going with one pound sterling in the form of two gold nobles and twenty groats in white money. He started on a Wednesday, either June 7 or 14, and took his way by Calais and Ghent, lodging in small villages where he could best pick up the information desired without letting his object be suspected. He did collect some, but his report has not been found, and the loss, perhaps, is not much to be regretted, as he himself tells us that what he learned was of little importance. He reached Aix shortly before midsummer (June 24), and lodged in a cobbler's house, 'to which divers of De la Pole's company resorted.' De la Pole consequently soon knew that an Englishman was come out of England; and Symson was presently brought before 'a man with a white head, whom they called Nevill' (presumably Sir George Nevill), and a Whitefriar whose name is not given, who both examined him as to the nature of his errand. He replied 'that his master, Walter Robardes, had sent him thither to see how the Earl did, what power he was of, what aid he had, of whom, [and] when and how soon he would come to England.' Nevill was suspicious, and said he did not know the said Walter; but the friar said he knew him well enough. 'He is,' said the friar, 'a sad, wise man.' The friar, however, evidently did not say that an emissary of Walter Robardes was a man whom they should take into their counsels, and Symson was commanded to leave the town by 8 o'clock next morning. 'And or he had showed the said Nevill,' says the deponent, 'the cause of his coming thither and from whom he come, the same Nevill threat this examinee to have his ears cut off.' But the name of Walter Robardes apparently inspired some respect from what the friar said of him; for, as the deposition goes on to say, 'after that he had showed by whom he was sent thither, he was neither evil dealt with, neither evil said to.' It was not safe to cut off a man's ears who was evidently sent abroad by an

influential person ; still, he was distinctly to understand that he must be off by 8 o'clock next morning.

And so, it would seem, he at once departed again homewards. He took the way by land to Antwerp, thence by boat to Arnemuiden in Walcheren, from which he got on board a hoy laden with salt fish and landed at Erith. Once more in Kent, he immediately repaired again to Cranbrook, where he spent just one night with his wife ; and did not intend, as he said, even to see his master again till he had first related his adventures to Sir Richard Guildford—of course for the King's ear ; but in the first place he took his saw to Sutton beside Dartford (this was going back again some five-and-twenty miles or more in the direction of Erith), earned two shillings, and returned to Erith again, where he was arrested—not exactly on account of what he had done abroad, or even merely as a suspicious character, but on account of some definite statements he was alleged to have made to one Thomas Broke of Crayford since his return. These statements, true or false, were of a character which raised some suspicion of treason, and accordingly he was speedily lodged in the Tower ; but, true or false, there is nothing whatever to connect them with the story of Edmund De la Pole or of Symson's visit to Aix. They are, however, curious enough in their way, and the drift of them was as follows :

On the night of St. James's day (July 25)[1], Thomas Broke said he was drinking at the house of John Wilson at Erith, when Alexander Symson came in and asked him if he were the good man of the house. Broke (mendaciously, it would seem) said he was, and Symson then asked whether he might trust him or no, for he would show him a matter to his profit. Broke, of course, inquired what it was, and Symson told him it was about a child which came to him at the waterside. This child was in the Prior of Christchurch's keeping, his name was

[1] Mr. Leadam thinks this date is a mistake, which it certainly is if the date of the examination at the foot, 'xx. daye of July,' is accurate. But I have no doubt this latter date is wrong.

James Ormond, and he was to be 'a great inheritor and next unto the Crown.' Symson added, 'My host, ye have a good boat of your own. And if I may trust you I will avauntage you forty marks by year if ye can convey me and the child into any county of France or Zealand, I reck never where.' Broke asked him what money he had, and he said only twenty pence, but he had a thing within the house worth twenty shillings, and he was sure his host had some money himself. But he must ask his host to provide within the boat a bow and a bill in case they were pursued; and if there was no hope of escape seawards, he desired to be landed in Thanet.

Such is the deposition of Thomas Broke, and apparently it contains, among other things, the confession of one lie. What to make of the whole story I cannot tell, but I can hardly think that Alexander Symson really committed himself to a stranger in such a very simple fashion as Broke reported. It is a little strange, moreover, that just after returning from such a mission on the Continent, Symson should be ready to complicate matters by new intrigues before he had reported the result of his journey to Aix either to his master or to Sir Richard Guildford. What I faintly surmise is that Broke first of all discovered that Symson was a man who had something to conceal, and who could not give a good account of where he had been; consequently that he might be able to worm something out of him and get a reward by betraying him. And I think it quite possible that Symson endeavoured to parry his inquiries by leading him on a false scent. That he had really met at the waterside a child of the name of James Ormond seems to be confirmed by the memorandum at the end, though the wording of that memorandum is so careless that we might be disposed to doubt it. But the kidnapping scheme at least seems rather suspicious, especially when we consider Symson's desire, if they were hotly pursued, to be landed in Thanet. I take it that he had no very great desire for another voyage beyond sea; and that he hoped rather to entrap Broke than to allow Broke to entrap him.

But the records do not tell us the end of the story. It is clear only that on Broke's information the mayor and constable of Erith had Symson conveyed to the Tower, where he was examined first by Sir Brian Sandford, the Lieutenant, on a day in July, probably the 30th, though inaccurately set down 'xxth,' and afterwards by Robert Rydon, Clerk of the Council, on August 6. It was only on the latter examination that he revealed his connection with Walter Robardes and the story of his mission to Aix; but I think there is every reason to suppose that this story was a statement of facts, and that, after his master had been communicated with, he was restored to liberty. Such a mission of *espionnage* as he was sent on was quite characteristic of Tudor policy, especially that of Henry VII., who learned by one exile, Sir Robert Clifford, the particulars of the conspiracy in favour of Perkin Warbeck, and by another, Sir Robert Curzon, what was done in behalf of Edmund De la Pole.

Here, perhaps, I might make an end. But the last remark, referring to the general policy of Henry VII. in such cases, suggests just one word more *à propos* of the mission of Sir Robert Curzon. Curzon's case, as related by Lord Bacon on the authority of Polydore Vergil and Hall, may well be regarded as a typical instance of the sort of policy I mean. As I have already hinted, I am not quite sure that these authorities are right in suggesting that Curzon was hand in glove with the King all along; but he certainly set out intending to discover secrets for the King, and no less certainly had his reward after he had come home again, when he was received into favour by Henry VII. and pensioned highly either by him or by Henry VIII. This, and the fact that he had no special grievance at the outset, no doubt made the world believe that he had been quite hearty in the King's service all along; and though Hall notes that he was 'accursed' (or excommunicated) at Paul's Cross—a manuscript of the time[1] says, with book, bell, and candle—Lord Bacon thinks this, too, was only a part of the game, to confirm

[1] Vitellius A xvi. in the Cottonian Library.

Curzon's credit with De la Pole while he was doing the King's business. I have given some reasons, in a note to Busch's 'England under the Tudors,' for suspecting that Curzon's allegiance was really shaken for a time. But Lord Bacon's view, undoubtedly, has impressed itself upon historians and historical readers generally; and it certainly does no injustice to the general character of the King's policy, who could only defeat conspiracies against him by the employment of double-dealers and intriguers.

Note.—A point which has not, I think, been hitherto noticed is that there were two different 'cursings' of Edmund De la Pole and his adherents at Paul's Cross, with a considerable interval of time between them. Hall mentions only one, which he dates on the first Sunday in November, 17 Henry VII. (1501). That would be about three months after De la Pole's second flight, and Curzon is included in the excommunication. Hall is certainly not far wrong in point of time; for both Fabyan and the anonymous City Chronicle in Vitellius A xvi. say on the Sunday before SS. Simon and Jude's day. If so the date was October 24. But these two authorities are certainly derived from a common original; and if we understood the Sunday *after* SS. Simon and Jude's day it would be November 7, the first Sunday in the month. Anyway this was in the autumn of 1501, in the seventeenth year of the reign. But again these two authorities tell us that De la Pole with Curzon and others were cursed on the first Sunday in Lent in the eighteenth year (1503), and, to make the matter more certain, the Vitellius manuscript says it was March 5, which agrees with the tables. On the first occasion, it is said, 'was showed a bull of the Pope' by which the ecclesiastical censures were denounced. On the second, according to the Vitellius manuscript, the curse was executed 'with book, bell, and candle.' Curzon, therefore, lay under sentence of excommunication for at least a year and three months, and it is not unlikely that this fact, in itself, had some effect in ultimately bringing him back to his allegiance. But, as I have shown elsewhere, one of his sureties in Eng-

land suffered the forfeiture of his recognisance in 1505, and it could not have been till next year at the earliest, when De la Pole was actually in the King's hands and all danger over, that Curzon returned to England and made his peace with Henry.

A criticism by Dr. James Gairdner of documents belonging to a period upon which he is the most eminent living authority demands respectful consideration. His suggestion, therefore, that the apparent intrigue designated in the Royal Historical Society's Transactions for 1903 'Unknown Conspiracy against King Henry VII.' had no substantial basis led me to further researches through which I hoped to throw light upon the mysterious proceedings there set out. The results are by no means conclusive, but so far as they go they do seem to group the principal actors in a story which had failed so far to supply any connexion between them, and they suggest motives for the association in the plot, if plot there were, of certain Lancastrians of distinction whose names are introduced by the prisoner Symson.

The first point to be noted is that Walter Robardes or Roberts was in some way connected with the Nevills and therefore with those irreconcilable Yorkists, George Nevill, Lord Bergavenny, and Sir George Nevill the Bastard, of whom the latter figures so largely in the story. On p. 145 of the Society's Transactions for 1903 I gave the probable pedigree of Sir George, from which it appeared that, omitting consideration of his illegitimacy, he was third cousin of Edmund de la Pole, earl of Suffolk. Their common ancestor was their great-grandfather, Ralph Nevill, first earl of Westmorland (d. 1426). George Nevill, Lord Bergavenny, was another great-grandson of Earl Ralph. He was therefore also third cousin of Sir George Nevill the Bastard and of Edmund de la Pole, earl of Suffolk, the Yorkist claimant to the throne.

According to the statement of Hasted,[1] followed by me on p. 140 of the Transactions for 1903, the third wife of Walter Robardes was 'Alice, daughter of Richard Naylor and widow of Lord Abergavenny.' But according to G.E.C. ('Complete Peerage') neither George Nevill, Lord Bergavenny, who married twice and died in 1492, nor his son and heir George Nevill, Lord Bergavenny above mentioned, who died in 1535 and who was the husband of four wives, married a wife named Alice. The former of these two George Nevills was grandson of that same Ralph Nevill, first earl of Westmorland, whom we have already seen to have been the common ancestor of the Earl of Suffolk and Sir George Nevill the Bastard. His widow, Elizabeth (*née* Beauchamp), is said by G.E.C. ('Complete Peerage') to have married, as her second husband, Richard Naylor, citizen of London. It may have been a daughter of this widow of Lord Bergavenny who was the Alice that became the third wife of Walter Robardes. In that case, if it be a legitimate use of the word 'stepfather,' I would say that the third Mrs. Robardes's stepfather was grandson of the ancestor common to Sir George Nevill the Bastard and the Earl of Suffolk. On the other hand, as Elizabeth, Lady Bergavenny, could not have re-married till after September 20, 1492, the date of her first husband's death, the third Mrs. Robardes on April 16, 1503, when our story begins, could not have been more than nine years of age. Boy-and-girl marriages were, it is true, common enough, but if Hasted's statement be correct that Walter Robardes was over eighty years of age at his death in 1522, he would be over sixty nineteen years earlier. This disparity renders the precise nature of the connexion with the Nevill family doubtful, but does not negative its probability. Whatever the connexion was, it related Robardes to the greatest family in England and was likely to be sufficiently influential to exercise an effect on his politics.

Another figure in the scene is James Ormond, a child. Dr. Gairdner dismisses him from consideration, but again the

[1] *Hist. of Kent*, iii. 46, note (c).

connexions of the family of Ormond bring us back to the Nevills. The Ormonds and the Nevills were distant cousins, and the Earl of Ormond was, through the St. Legers, connected with Edmund de la Pole, earl of Suffolk. I have (Trans. xvii. p. 151) also pointed out that the mention of the prior of Christ Church, Canterbury, as the guardian in some capacity of the child James Ormond introduced a probability that the Earl of Ormond, notwithstanding the political traditions of his house, was in some way mixed up in the intrigue. In my original paper I assumed a traditional Lancastrianism on the part of the Earl of Ormond. Dr. Gairdner's criticism has led me to inquire more closely into his political antecedents. The family was originally Lancastrian, for his eldest brother, James Butler, fifth earl of Ormond and first earl of Wiltshire, Treasurer of England 1455 and 1458–60, had fought for Henry VI. at the battles of St. Albans (1455), Wakefield (1460), Mortimer's Cross (1461), and Towton (1461). At this last battle he was taken prisoner and thereafter disappears from history, it being uncertain whether he was beheaded or escaped abroad.[1] On November 4, 1461, he and his two brothers, the younger of them being Thomas Butler, seventh earl, were attainted in England[2] and in 1462 in Ireland.[3] His next heir was his brother John de Ormond, *alias* Butler. Their father James, fourth earl of Ormond, had been celebrated as one of the most cultivated men of the age, 'a great student, a lover of history and antiquities.'[4] He had carefully educated his son John, whose love of letters introduced him to the favour of Edward IV. 'The King used to say of him (John) that

[1] See G. E. C., *Complete Peerage*, vi. 141 note (d), *sub* Ormond. It is to be noted that a patent of March 15, 1462, speaks of 'Eleanor, late the wife of James, earl of Wiltshire, attainted &c.,' she being then alive, which is suggestive of his death, though not conclusive (*Pat. Roll* Ed. IV.). He is first spoken of as 'deceased' in a patent of November 21, 1464, though this again may have been simply a presumption from his disappearance. *Ibid.*

[2] *Rot. Parl.* 1 Ed. IV. v. 480 b.

[3] G. E. C. vi. 141; Carte's *Ormonde*, p. xlii.

[4] Thomas Carte, *Hist. of James, Duke of Ormonde*, 1736, Introd. p. xl.

he was the goodliest knight he ever beheld and the finest gentleman in Christendom, and that if good breeding, nurture, and liberal qualities were lost in the world, they might all be found in this earl of Ormonde.'[1] He was, adds Carte, 'a perfect master of all the languages of Europe, and there was scarce a Court of it to which that prince (Edward IV.) did not send him Embassador. But in a fit of devotion, making a journey to Jerusalem, he died in the Holy Land A.D. 1478,[2] without issue and unmarried.'

The vast possessions in England held by James Butler, earl of Ormond and of Wiltshire, may be seen by an examination of the Patent Rolls of Edward IV., which during twenty years after the attainders record their distribution. So far as Ireland was concerned, the tide turned in 1476, when an Act was passed through the Irish Parliament repealing the Act of Attainder of 1462 in favour of Edward IV.'s favourite, John Butler, who was thereby restored to the earldom of Ormond.[3] He did not live long to enjoy his regained honour; he is described on the Patent Roll of 17 Edward IV., dated June 15 (1477), as then deceased.

That Thomas Butler, his brother who succeeded him as seventh earl of Ormond, also enjoyed the favour of Edward IV. is apparent from the same source of evidence. His English estates were restored to him in 1473 by Act of Parliament.[4] He received on June 15, 1477, license to resume all the 'possessions in Ireland of which the said John (his brother) or any ancestor of his was seised and which should descend

[1] Carte, *op. cit.* p. xlii. It is an interesting illustration of heredity that in 1712 Prince Eugene described the duke of Ormond as 'the finest cavalier and most complete gentleman that England bred, being the glory of that nation,' etc. (*Hist. MSS. Com.*, *Portland MSS.* v. 157.)

[2] But see *infra* the Pat. Roll showing that it must have been 1477.

[3] Carte, xlii, who, from an exemplification under the Great Seal seen by him at Kilkenny, dates the Act the Friday after St. Margaret's day, 16 Ed. IV. As St. Margaret's day, July 20, fell in that year on a Sunday, the date of the repeal would be July 25, 1476, so that he lived less than a year as earl of Ormond.

[4] *Rot. Parl.* vi. 26. Cf. *Pat. Rolls* Ed. IV. October 20, 1473.

to him.'[1] In the following year his sister-in-law, the fifth earl's widow, received a re-grant of the English estates settled on her marriage, then in the hands of the Crown through the forfeiture of George, duke of Clarence, to whom they had been given.[2] The earl himself inherited 40,000*l.* sterling in money besides plate, which had been deposited by James, the fifth earl, at the House of the Black Friars in London.[3] Richard III. re-granted him the manor of Rochford and other lands in Essex which had been forfeited by his brother's attainder,[4] and he supported that king by his presence at court,[5] and was dubbed by him knight of the Bath at his coronation.[6] It is evident, therefore, that he and his family had not posed as irreconcilable, but had sought and obtained the favour of the Yorkist kings ; but it is noticeable that though on February 16, 1485, he received leave of absence from Ireland for a year, being then in England, he does not appear to have been present at Bosworth. He may be taken to have early given in his adhesion to Henry VII., for although he was not named in the first batch of nominees to the Privy Council, he was, as we learn from Polydore Vergil, included in it no long time after.[7] It is possible, however, that he harboured a grievance against Henry VII. The first Parliament of Henry VII. (1485) restored him to the dignities and possessions of his family, forfeited by attainder under Edward IV., 'the name oonly of the Erle of Wiltshire except.'[8] For this exception there was good legal reason, that earldom having been limited to the heirs male of the body of his elder brother Sir James Butler or Ormond, fifth earl of Ormond and first earl of Wiltshire.[9] Nevertheless, it may have been the case that the sufferings of Ormond's family in the Lancastrian cause

[1] *Pat. Rolls* Ed. IV. p. 53.

[2] *Ibid.* May 16, 1478. The estates are set out *ibid.* October 20, 1467, which patent vested them in trustees for life of Thomas Butler.

[3] Carte, xliii.

[4] *Pat. Rolls* Rich. III., February 1, 1485. Cf. *ibid.* April 10, 1485.

[5] *Ibid.* February 16, 1485.

[6] W. C. Metcalfe, *Book of Knights*, p. 8.

[7] Ed. Gandavi, 1557, lib. xxvi. p. 1437.

[8] *Rot. Parl.* vi. 296 b.

[9] G. E. C., *Complete Peerage*, viii. 165, vi. 143.

disposed him to the opinion that he had received a niggardly recompense so long as the English earldom was withheld from him. That the recollection of it remained present to the minds of the family may be inferred from the fact that when the son of his daughter and co-heir, Thomas Boleyn, was promoted in the peerage he assumed the title of earl of Wiltshire in the peerage of England and of Ormond in that of Ireland.

I do not, however, insist upon this point, but proceed to trace the earl's career down to the year 1503, when this real or bogus conspiracy was set on foot. In 1489, shortly after the beginning of Henry's reign, 'the King, being still jealous of the nobility of Ireland, whom he knew to be exceedingly addicted to the House of York, sent for most of them to come over to him in England.'[1] A list is given of those who obeyed the summons, from which it appears that the earls of Ormond and Desmond and the Lord Kerry stayed away. It may, of course, be that Ormond was in England at the time and is therefore not enumerated among those who left Ireland to present themselves at the English Court. An annuity to him of a hundred marks 'during pleasure,' an insignificant sum for so wealthy a peer, suggests his presence at Court in 1486.[2] However, his nomination by Henry VII. as ambassador to France in 1492 affords presumption of his favour with the King at that time, as does his creation as an English baron, with the title of Lord Rochfort, in 1495.[3] In 1497 he was ambassador to Burgundy.

The Earl of Ormond's Yorkist connection was strengthened by his marriage before 9 March, 1497,[4] to Lora, widow of Sir

[1] Sir Richard Cox, *Hibernia Anglicana*, 1689, part 1, p. 182.

[2] W. Campbell, *Materials*, ii. 80. (1486.)

[3] In 1495 an act of attainder was passed against Francis Lovell, Lord Lovell, for his support of Lambert Simnel. At the end of the act is a proviso that it is not to be prejudicial to Thomas, earl of Ormond, in respect of any of the possessions to which he had been restored by the act of 1 Hen. VII. (*Rot. Parl.* vi. 503 b). A possible explanation of this is that Lord Lovell was seised of certain lands to the use of Lord Ormond which, but for the proviso, would be included in the general terms of forfeiture.

[4] G. E. C. vi. 143.

Thomas Montgomery, K. G. (d. 1495), formerly widow of John Blount, baron Mountjoy, and daughter of Sir Edward Berkeley. All three of the families with which she was thus connected had been loyal Yorkists during the reign of Edward IV.[1] Montgomery had been raised to the Garter (1476)[2] and Mountjoy ennobled[3] by that king, from whom also they and Berkeley had received numerous grants.[4] It is true that one of Mountjoy's sons[5] and perhaps Edward Berkeley[6] had revolted, like so many other Yorkists, against the crimes of Richard III., and Berkeley had been knighted by Henry VII. at the coronation of his queen on Nov. 25, 1485.[7] But the motives which inspired politicians of this class to abandon Richard III. would be still more likely to stir them against Henry VII. after the judicial murder of the Yorkist heir to the throne, Edward Plantagenet, earl of Warwick, on Nov. 28, 1499. Dr. Gairdner has himself reminded us in his paper of the statement of 'the Flemish chronicler Molinet, that the English nobility and gentry were exceedingly displeased at it.' If the new Lady Ormond was a person exercising an influence over her husband, her antecedents prohibit the probability of its being favourable to the Tudor dynasty. That she was a person of some social importance is suggested by Ormond's nomination to the Burgundian embassy soon after his marriage. Her former husband, Sir

[1] Montgomery was knighted by Edward IV. at the battle of Towton (W. C. Metcalfe, *Book of Knights*, p. 2), and received numerous grants from that king (see index to *Patent Rolls*, Ed. IV.). For the Blounts see *Select Cases in the Star Chamber* (Selden Society, 1902) p. 64, n. 2. The Berkeleys had held posts at Edward IV.'s court, among them Sir Maurice Berkeley, the brother, and Sir William Berkeley, the nephew of Sir Edward Berkeley (J. Smyth, *Lives of the Berkeleys*, 1883, i. 352, 353).

[2] Anstis, *Register of the Garter*, 1724, i. 199.

[3] G. E. C., *Complete Peerage*, v. 398.

[4] Index to *Patent Rolls*, Ed. IV. [5] *Select Cases in the Star Chamber*, l.s.c.

[6] He probably rallied after Bosworth, for he was dispossessed of his office of bailiff of Burley, in the New Forest, on December 5, 1485 (Campbell, *Materials*, i. 195), but was reinstated a few days after, December 11 (*ibid.* 212). His kinsman, Richard Berkeley, son and heir of William Berkeley, was attainted in 1485, and restored in 1503 (*Rot. Parl.* i. 552 a).

[7] Metcalfe, p. 19.

Thomas Montgomery, had been Edward IV.'s ambassador at Bruges in 1482,[1] and it is not unlikely that the knowledge that she was a *persona grata* to the duchess, whom Henry VII. sought to conciliate, had marked her third husband as a fitting person for the post. It is possible that during this mission overtures for the establishment of a kingdom in Ireland under a member of the House of Ormond were made to him by the Yorkist refugees thronging the duchess of Burgundy's court. Among them may have been Sir George Nevill, the companion of the duchess's protégé, Perkin Warbeck, in 1496, and of Edmund de la Pole in 1503.

At any rate, this mission was followed by a catastrophe which proved that the earl no longer enjoyed Henry VII.'s confidence. In an article on 'the Ormonde Attainders'[2] Mr. Hubert Hall writes: 'I have seen an original draft of a Privy Seal to be granted at a still later date for this purpose, wherein it is expressed that where, by an Act of Resumption lately made, all the livelihood of Thomas, earl of Ormond, was renewed by the Crown, that the king, now willing to restore the said earl, charges his officers, by an Act of Restoration in Ireland, to restore the said earl to his living and to cause all the issues and profits thereof to be yielded up by the escheators or farmers.' It is singularly unfortunate that Mr. Hall was unable to put his hand upon this document, the date of which might have been of material value in the elucidation of this mystery. Failing this, we have as our data the 'Act of Resumption lately made,' and the 'Act of Restoration' which followed, which last is specifically stated to have been 'in Ireland.' Now there were two English Acts of Resumption passed in the reign of Henry VII. Of these the first, passed in November 1485, revoked grants of Crown lands, &c., since October 2, 34 Henry VI. (1455), but it contained a clause expressly excepting the recent re-grants to Ormond;[3] the second, in 1495, revoked grants of certain

[1] *Patent Rolls*, July 13, 22 Ed. IV. p. 313. [2] *Genealogist*, 1884, N.S. i. 78.
[3] *Rot. Parl.* vi. 336, 340 b.

Crown lands granted by Edward III. and Richard II. to Edmund of Langley, duke of York.[1] It does not appear that the Ormonds were affected by this Act. We must look, therefore, for the Act of Resumption to the statutes of the Parliament of Ireland. No such Acts, either of Resumption or Restoration, are to be found in the printed edition.[2] But the celebrated statute known as Poynings's Act (10 Hen. VII. c. 4), passed in December 1494, runs as follows: 'Item, at the request of the Commons of the land of Ireland, be it ordained, enacted, and established. That at the next Parliament that there shall be holden by the king's commandment and licence, wherein, amongst other, the king's grace entendeth to have a general resumption of his whole revenues sith the last day of the reign of King Edward the Second,' &c. The next Irish Parliament was held in August 1499 (14 Hen. VII.), at which time, as the above preamble and the subsequent Act of Restoration show, this intention was carried out. The fortunes of the earls of Ormond were largely founded upon grants made to James Butler, second earl, by Edward III. In default, therefore, of an excepting clause, it may well be that 'all the livelihood' of the earl in Ireland was withdrawn from him. It is true he retained his possessions in England, where he must have been one of the most powerful subjects of the Crown. An Act of Parliament or conviction of treason would have been necessary to dispossess him. No Parliament sat till nearly five years later, and the evidence of treason must, we must infer, have been too doubtful or its ramifications too wide for Henry to risk a trial.

If in 1503 the earl was smarting under a grievance, a tempter was perhaps near at hand, for the track of the Nevills, as we have seen, is not far off.

On the side of his second wife, Lora, the daughter of Sir Edward Berkeley, the tie was closer still. Her younger half-brother, Thomas Berkeley, her father's eldest son by his second wife, married, in 1491 or 1492, Elizabeth, daughter of George Nevill, Lord Bergavenny (d. 1492). Ormond and

[1] *Statutes of the Realm*, 11 Hen. VII. c. 29. [2] Dublin, 1786.

the Nevills must have been well acquainted. On the hereditary Yorkist politics of the Nevills it is unnecessary to insist, and more will be said presently of those of the Lord Bergavenny of 1503.

Sir James Ormond's career was briefly sketched in my original paper, in which I suggested that the child James Ormond might have been his son. Sir James was the natural son of James, fifth earl of Ormond, brother and predecessor of Thomas, the seventh earl. He is said, indeed, to have been brought up at the English Court by his uncle, Thomas Butler, seventh earl :[1] that is, be it remembered, at the Courts of Edward IV. and Richard III. He remained on confidential terms with the earl, and an inrolment of doubtful date[2] constitutes him general and special attorney in the earl's absence from Ireland, and to act on his behalf in all matters affecting his property and offices in that country. According to a letter dated September 7 (1497), in which the cousin of Sir James and of the earl, Sir Piers Butler, heir-at-law to the earldom, describes to Earl Thomas how Sir James met death at his hands, Sir James 'was great and auncient Rebell by his life daies unto our said soverain Lord and, upon his comfort and speciall desire moved, caused Perkyn Warbeck to come lately unto this land for the destruccion of the subjetts and possessions here of our soverain Lord, like as his hignes shall understand within brief tyme by the report of such as were prive unto the counsaile of the said Perkyn.' Warbeck, early in that same month of September, had sailed from Waterford to Cornwall. That Henry VII. was cognisant of Sir James Ormond's intrigues may be inferred from the

[1] Ware, *Annals of Ireland*, 1703, p. 17 ; cited in *Dict. Nat. Biog.* sub Ormonde, Sir James.

[2] Mistakenly conjectured to be 19 Hen. VIII., at which date both Sir James and the earl were dead, in Graves and Prim, *History of St. Canice*, Dublin, 1857, p. 193, note. The accusation made against Sir James in Sir Piers Butler's letter that he 'toke upon him all the rule of the counties of Kylkenny and Tippare and called himself Earl of Ormond,' is thus explained. The same charge had been made against him by his rival Kildare in 1492, but apparently without producing any change in the earl's attitude to Sir James. (J. T. Gilbert's *Viceroys of Ireland*, 1865, p. 447.)

fact that, as also stated in Sir Piers Butler's letter, the king had twice ordered him to England, and having been both times disobeyed had outlawed him, if that is the interpretation to be assigned to the words, 'published the same Sir James his disobeissaunt subget,' 'after the which' their fatal encounter had taken place. Possibly further revelations or the intimacy of the connection between the earl and Sir James increased the king's suspicions of the earl's loyalty. It must be remembered also that there was an hereditary feud of the House of Ormond against that of Kildare,[1] and that Kildare, as Lord Deputy since 1496, was in favour with Henry VII.[2] At any rate, within two years of his mission to the Court of Burgundy, Ormond was, as an Irish landowner, expropriated by the Act of Resumption. After the lapse of two years and a half more,[3] we find evidence of the existence of a person bearing the family name of Ormond, by which he was himself alternatively known with that of Butler, put forward as a figure-head in an intrigue the only conceivable object of which could have been a Yorkist Restoration.

Another name which unexpectedly figures in this dark story is that of Sir Richard Guldeford, Guldford, Gildeford, or Guildford, a courtier assumed to have been high in favour with Henry VII. The prisoner Symson confesses that on his return from Aachen he landed at Erith, went to Cranbrook or Cramebrook, where he lived but 'spake not with Walter Robardes as he seyth foreasmoche as he thought ever yn his myend ferst to have shewed the premysses with the circumstances off the same to Sir Richard Guldford,' 'of course for the king's ear' comments Dr. Gairdner. It may be noticed in passing,

[1] Graves and Prim, *History of St. Canice*, pp. 191, 195.

[2] J. T. Gilbert, *Viceroys of Ireland*, 1865, pp. 461–472.

[3] We do not know the date of the 'Act of Restoration,' but that it had passed before July 1505 appears from a deed dated July 9, 20 Hen. VII., by which the earl appointed his heir-at-law, Sir Piers Butler, his attorney and deputy in Ireland, on much the same terms as those granted to Sir James Ormond (*History of St. Canice*, p. 199, note).

that while in the Act of Attainder passed under Richard III., as a consequence of the abortive Kentish rising of October, 1483,[1] Sir John Guldford, the father, is described as 'late of Rolvenden, knight,' his son is Richard Gildeford, late of Cramebroke, squyer.'[2] He was not at Cranbrook at the time of this narrative, but his former residence there suggests that Symson was already known to him and was not, therefore, necessarily making his way to him as to an influential magistrate before whom to lay an information, a strange thing for a man to do fresh from bearing a principal part in a treasonable intrigue. The family of Guildford had political antecedents closely resembling those of the Ormonds. They had been in high favour at the court of Edward IV. ; they had revolted after the suspicion was noised abroad of the murder of his sons by Richard III., and had assisted in Richard's overthrow. The life of Sir Richard is to be found in the Dictionary of National Biography, from which it will be seen that he received various rewards. Dr. Gairdner has, however, called my attention to the fact that these lay in offices and wardships, of uncertain, temporary, and it may be precarious value, rather than in those lavish territorial gifts which established the fortunes of so many regal favourites. His principal office was that of master of the ordnance, with a salary of two shillings a day for himself and divers allowances for persons employed under him. To this was added the grant for life of the office of serjeant or master of the armour in the Tower of London, with 12*d.* a day for himself and allowances for people under him.[3] He was granted the manor of Higham, Sussex, but it was burdened with the maintenance of 'a tower in his marsh near the port called the Cambre in Sussex' and with the fortification both of the manor and of the marsh.[4] He was a chamberlain of the Exchequer at a salary apparently exceeding 60*l.* yearly.[5] He eked out his

[1] See *Trans. R. Hist. Soc.* 1903, p. 137. [2] *Rot. Parl.* vi. 245 b.
[3] March 8, 1486 ; W. Campbell, *Materials*, i. 369, 370, 403.
[4] September 29, 1486, *ibid.* ii. 38.
[5] March 2, 1486, *ibid.* 99.

means by shipowning[1] and shipbuilding.[2] In 1487 the treasurer and barons of the Exchequer sequestrated his chamberlainship, apparently after a few months' enjoyment by him.[3] The seizure strongly suggests that he was in debt to the king, who intervened in his favour, announcing his intention 'to examine the matter.'[4] The outcome of the examination was his permanent displacement by Lord Daubeney.[5] But he was still employed by the king, and in 1490 his pay as master of the ordnance was raised to four shillings a day.[6] His father died in 1493, at which date he may be taken to have succeeded to his patrimony.[7] In 1495 he obtained an Act for disgavelling his lands in Kent,[8] which enabled him to dispose of them by sale. He appears to have added to his estates in 1497 twelve hundred acres in Cranbrook and Frittenden and three thousand acres of salt marsh in the parishes of Playden, Iden, Ivychurch, Fairlight, Pett, and Broomhill. Nevertheless, there is documentary evidence that in less than two years after the date of this narrative, that is in June, 20 Henry VII. (1505), Sir Richard Guildford was financially ruined. It is true that he was still master of the ordnance and serjeant or master of the armour, but it is doubtful whether in 1505 he was receiving his salary. In the Memoranda Rolls of the King's Remembrancer of the Exchequer for Michaelmas Term 21 Henry VII. (1506), membrane xxxvi., preserved in the Record Office, is a note of his arrest for non-return of accounts. The recital tells us that a writ of Privy Seal had been issued to the Sheriff of Kent on 8 July last,[9] commanding him to seize the goods and chattels of Richard Guldeford, knight, by reason of his refusal to render accounts of

[1] March 8, 1487, *ibid.* 104.
[2] April 12, 1487, *ibid.* 107, 141.
[3] May 25, 1487, *ibid.* 155.
[4] *Ibid.* p. 156.
[5] December 20, 1487, *ibid.* 217.
[6] *Ibid.* p. 560.
[7] Hasted, *Hist. of Kent*, 1790, iii. 82 n. z.
[8] *Rot. Parl.* vi. 487 b; *Statutes of the Realm*, 11 Hen. VII. c. 49.
[9] The dates in the case and those of the *Dict. Nat. Biog.*, which gives April 8, 1506, as the date of Sir Richard's departure for Palestine, show that this is a mistake for July of last year, *i.e.* 1505.

his offices from 8 March, 1 Henry VII. (1486), to 12 November, 1 Henry VII. (1494); that a return had been made by John Langley, esquire, sheriff,[1] of 'non est inventus' and 'nulla bona.' There was also a further return made that prior to the arrival of the writ of Privy Seal, viz. on the 8th of June 20 Henry VII. (1505), all the lands and tenements of Sir Richard Guldeford had been seized under a recognisance of Statute Staple and delivered to John Nailer to hold in fee till he should be satisfied of a debt due to him, and that John Nailer was still holding them;[2] that subsequently to the return of the sheriff Sir Richard had been found and committed to the Fleet Prison; that he had on the same day been bailed out on the security of Gerard Dauet of London, esquire; John Gamge, of Burstowe, Surrey, esquire; Robert Symson of Rolvenden, Kent, esquire; and Hugh Furnes of London, gentleman; that on December 4 (1505) Sir Richard had appeared before the Court of Exchequer and that he brought with him a writ of Privy Seal ordering his discharge.[3] Any possibility of mistake as to the identity of the defendant is precluded by the heading of the memorandum. 'Kanc. De Ricardo Guldeford milite magistro ordinacionum Regis ac seruiente sive magistro Armature Regis infra Turrim London attachiato pro computo reddendo' &c. On the following April 8 (1506) he set sail for the Holy Land, where he died on September 6 of the same year.

Of the private life of Sir Richard next to nothing is

[1] According to the list of sheriffs published by the Record Office in 1898, p. 68, John Langley, Esq., was sheriff from November 5, 1504, to January 4, 1506.

[2] On default of the debtor, the creditor under the Statute Staple (27 Ed. III., st. 2. c. 9) was empowered to seize his goods and lands, 'and he to whom the debt is due shall have estate of freehold in the lands and tenements which shall be delivered to him by virtue of the same process.' Sir Richard very likely only enjoyed a freehold estate for life, but if he were owner in fee simple, the name of Nailer, without doubt a relation of Lady Bergavenny, suggests that this was a collusive process, since Sir Richard's son inherited his dwelling-house at Rolvenden.

[3] In his biography in the *Dict. Nat. Biog.* Dr. Gairdner mentions that Sir Richard also took out a special pardon dated April 4, 1506, 'really a discharge of liabilities in respect of his offices of master of the ordnance and of the armoury and also as master of the horse (Patent, 21 Hen. VII. pt. i. m. 30).

known. He was knighted in August 1485, on the landing of Henry VII. at Milford Haven.[1] That he was extravagant in dress, even in the sober court of Henry VII., may be inferred from a document under Privy Seal dated Winchester, October 2, 1486, being a mandate to the Treasurer and Chamberlains of the Exchequer to pay 'oure right trusty and well-beloved counsellor and knight for our body, Sir Richard Guldeford, the sum of £17 in recompense for a collar of gold of that value which Sir Richard Guldeford delivered to the King in order that the King might give it in reward to 'a gentilman estrangere comyng unto us of the parties of Flaundres.'[2] This sacrifice he had perhaps made as comptroller of the King's household, responsible for the provision of objects to serve as royal gifts. His first wife was Anne, daughter and heir of John Pimpe or Pympe, esquire, of West Barmyng and Nettlestead, Kent. John Pympe died 11 Aug. 12 Henry VII. (1497).[3]

This first Lady Guildford died probably before 1488, for his eldest son by his second wife, afterwards Sir Henry Guildford, was born in 1489. To what extent Sir Richard had an interest in the estate of his father-in-law, John Pimpe, is unknown, but in any case the Inquisition post mortem shows that the estate was very moderate and was burdened with a jointure in favour of the widow. His second wife was Joan or Jane, sister of Sir Nicholas Vaux, afterwards Lord Vaux of Harrowden, by whom he had, according to Hasted, two sons. Her father, Sir William Vaux, had been a zealous Lancastrian who, being attainted by Edward IV., had taken refuge abroad and was afterwards slain at Tewkesbury (1471).[4]

That Guildford's widow, who lived until 1538,[5] was left in indifferent circumstances may be inferred from the annuity

[1] W. C. Metcalfe, *Book of Knights*, p. 9.
[2] Campbell, *Materials*, ii. 39, 40.
[3] *Calendar of Inquisitions post Mortem*, Hen. VII., 1898, i. 1235.
[4] *Dict. Nat. Biog.* sub Vaux, Sir Nicholas.
[5] Will proved in that year. J. C. C. Smith, *Canterbury Wills*, 1893, i. 243.

of 20*l.* allowed her by Henry VIII.[1] It by no means follows from the fact that Sir Richard by his will bequeathed her fifty marks a year that she ever received it,[2] for we find that administration was granted to Sir Richard's son and heir, Edward Guldeford, of Halden, Kent, which suggests the suspicion that his executors had renounced in consequence of the embarrassment or insolvency of his estate.[3]

So far, then, as his personal political antecedents are concerned, Guildford to a greater extent than Lord Ormond might have been expected to be a steady supporter of the Tudor dynasty. On the other hand, he sprang from Kent, a county notoriously Yorkist in sympathy, and his family had belonged to that party. We know that he was on friendly terms with Edmund de la Pole, for in September 1499 he was selected by Henry VII. to induce De la Pole, then a refugee at St. Omer, to return to England. The draft of his instructions, published by Dr. Gairdner in the 'Letters and Papers of Richard III. and Henry VII.,' is unfortunately much mutilated, but there is a fragment which indicates that De la Pole had requested that Guildford should be the intermediary between himself and the king. 'And if it . . . erle being determined to come to t . . . . . difficultie soo to do onles he maye have the said comptrollour in his company.' . . . 'And if the said erle wol in noowise comme unto the king onless he have in his company the said comptrollour,'[4] then Sir Richard is to abandon a mission to the archduke with which he had been also entrusted and to return with the earl to England. Sir Richard is further instructed to persuade the earl by taking him apart 'and as it were of hymselve and for the favor he bereth hym and as it wer without the kyngs knowledge'[5] warn him of the danger of contumacy. Sir Richard's influence triumphed and De la Pole returned to England, only again to seek refuge abroad in August, 1501.[6]

[1] *S. P. Dom.* Hen. VIII. i. 5628, November 24, 1514.
[2] *Pylgrymage of Sir Richard Guylforde*, Camden Soc. 1851, Introd. p. xi.
[3] *S. P. Dom.* Hen. VIII. i. 690.
[4] *L. and P.* i. 130. Sir Richard was at this time Comptroller of the Household.
[5] *Ibid.* 132.
[6] *Dict. Nat. Biog.*, art. De la Pole, Edmund.

At some time or other he alienated in Guildford's favour the manor of Fylberdes, Berks.[1]

It is obvious from the foregoing that a Yorkist restoration was not likely to be ruinous to Guildford's tottering fortunes. On the contrary, if he was, as we now know, pecuniarily embarrassed, still more if he was open to a charge of peculation, the usual explanation of a reluctance to produce accounts, it may well be that in 1503, on the eve of the crash, he was restless for a change. There were those who suspected this. In my introduction to the narrative published in 1903 I called attention (p. 15) to a conversation which took place at Calais, probably in the September of that year, upon the political situation. The paper which records this is headed 'Flamank's Confession.'[2] The *dramatis personæ* were officers of importance, Sir Richard Nanfan, deputy, Sir Hugh Conway, treasurer, Sir Sampson Norton, master porter of Calais, William Nanfan, and his brother-in-law the informer. Further particulars of this John Flamank I have been unable to discover.[3] However, the conversation turned not upon the prospects of a rebellion against Henry VII., but rather on what would be likely to happen after his death, his health being then infirm. Sir Hugh Conway, one of the principal speakers, recounted a conversation 'among many grett personages,' presumably Yorkists, at which he had shortly before been present. Some of them advocated the claims of the

[1] *Rot. Parl.* vi. 548 b. But apparently this alienation was not recognised by the Crown, notwithstanding that the Parliament, which met in January 1503, excluded it from the forfeitures involved in the attainder of Edmund de la Pole (see *ibid.* and cp. *S. P. Dom.* Hen. VIII. i. 4205), where it appears that on June 11, 1513, a grant was made for life to Margaret, widow of Edmund de la Pole, of, *inter alia*, the manor of Philbertis, Berks, forfeited by her husband, which on August 8, 1510, had been granted to the Lady Katharine Gordon, widow of Perkin Warbeck (*ibid.* 1203).

[2] *Letters and Papers of Richard III. and Hen. VII.* ed. by J. Gairdner, 1861, i. 231.

[3] It is suggestive that the only person of the name whose will has been proved in the sixteenth century in the Prerogative Court of Canterbury, came from Kent, being described as Bartilmewe Flamank, of Estgrenewich, Kent, and St. Mary Matfelon, Middlesex. Will proved 1527. (J. C. C. Smith, index.)

Duke of Buckingham to the succession, 'other ther were that spake in lyk wyse of your traytor Edmund de la Pole, but none of them spake of my lord prynce.'[1] This doubtless refers to Prince Henry, afterwards Henry VIII., who had been created Prince of Wales on February 18, 1503, after the death of his elder brother Arthur. Conway is represented as feeling his way, though with profuse expressions of loyalty to the king, as to the probable attitude of the chief personages of the garrison at Calais and elsewhere. 'Watt so ever we speke of comyn for his (the king's) surtie and for the surtie of this his toune can be no tresone; so good yt is that we loke and speke of thyngis to come as well as thoos present. I do speke this for a cause that is good that we loke sadly to, for the kyngis grace is but a weke man and syklow, not lykly to be no longe lyvis man.'[2] He went on to suggest that the town and castle were at the mercy of the Yorkists and that a certain Lady Lucy, a cousin of Edmund de la Pole, then in the castle, would 'lett hym come into this toune by the postren of the castell to the distruccion of us alle.'[3] He then added, 'Remembre well how ny that Kent is hydre, wat a lyans thay be of there.' The informer continues, 'He spake of Sir Edward Poyninges, Sir Richard Gylforth, Sir Thomas Bouchir. Wat he said of ther demener, Master Porter, yf youre grace exammen hym, cane shew youre hygness better then I can do.' Also he said, 'Remembre all the company of this the kynges retenu here, wat ille mynde they bere unto us that will be all redy then to follow hyre (the Lady Lucy's) mynd as they doo now and to do us the most mischyffe thay cando. . . . Thees men,' he said, 'never lovyd the kyngis grace, nor never woldo, with many mo of the same mind within this toune.'[4] Apparently these last words do not refer to Sir Richard Guildford, but the narrative clearly points to a conspiracy in favour of De la Pole. Poynings, with the Guildfords, had been a leader of the Kentish rising of 1483.

[1] *Letters and Papers of Richard III. and Henry VII.* i. 233.
[2] *Ibid.* p. 233 [3] *Ibid.* p. 237. [4] *Ibid.*

He had inherited the manor of Westenhanger[1] and had married Isabel or Elizabeth, daughter of Sir John Scot (d. 1485), marshal of Calais, and sister of Sir William Scot, Warden of the Cinque Ports and sheriff of Kent. His family traditions were Yorkist. His father had been carver and sword-bearer to Jack Cade and was killed at the second battle of St. Alban's on February 17, 1461.[2] Sir Thomas Bouchir, Bourchier, or Burgchier sprang from an illustrious Yorkist house and was himself a landowner at Leeds and Boxley in Kent.[3] He was probably grandson of Henry Bourchier, viscount Bourchier, who had been created earl of Essex by Edward IV. in 1461 and enriched with the possessions of the defeated Lancastrians. His grandmother would be the sister of Richard Plantagenet, duke of York, and aunt to Edward IV.[4] He received from Henry VII. on February 25, 1486, the custody of the manor and lordship of Ledes, Kent,[5] of the castle of which his namesake, Sir Thomas Bourchier the elder, was constable by a grant from Edward IV.[6] On March 7 following he was given grants of forfeited lands in Edelmeton, Woxbrigge, and Helyndon, county Middlesex.[7] Nevertheless, he may well have been attached to the cause which had made his family wealthy and powerful, and to Edmund de la Pole, his cousin, the grandson of Richard Plantagenet, duke of York, his grandmother's brother.

The person who seems to have had his hand upon some of the threads of the conspiracy of 1503, whatever it was, Sir

[1] Hasted, iii. 323. [2] *Dict. Nat. Biog.*

[3] Hasted, ii. 475, 483, n. 3.

[4] He was not the son, but probably the nephew, of Sir Thomas Bourchier 'the elder' (see W. Campbell, *Materials*, ii. 535), son of the Earl of Essex, who received numerous grants and offices from Edward IV. (see *Calendar of Pat. Rolls* Ed. IV.), but deserted Richard III., notwithstanding that he had received grants from him (see Campbell, *Materials*, ii. 116), on the eve of Bosworth (Polydore Vergil, Camden Soc. 1844, p. 220). Sir Thomas Bourchier 'the elder' died in 1491 without surviving issue, though twice married (see *Inq. post Mortem*, Hen. VII. i. 682, 684). The Earl of Essex left a large family.

[5] W. Campbell, *Materials*, i. 311.

[6] November 28, 1469, *Cal. of Patent Rolls*, Ed. IV. p. 182.

[7] W. Campbell, *Materials*, i. 364.

Hugh Conway, was of a Warwickshire county family,[1] which does not appear prominently in the civil wars. He too began life as a Yorkist, having been attached to the court of Edward IV. On November 28, 1481, he received a grant for life, under the style of 'the king's servant,' of a tenement in Martlane, *alias* Markelane, London.[2] But he was probably one of those who deserted to Henry VII., for within a month of Bosworth he was granted for life the office of keeper of the great wardrobe,[3] and was made knight of the Bath at the coronation of Elizabeth of York on November 25, 1485.[4] His office at the great wardrobe he either resigned or was displaced from in 1487.[5] But this seems not to have implied loss of favour, for on September 21, 1494, he succeeded Sir James Ormond, who has already figured in this story, as Lord Treasurer of Ireland.[6] According to Cox,[7] Sir James Ormond had voluntarily resigned this post, preferring a military life, and as he received on his resignation an annuity of 100*l.* and the constableship of Limerick castle,[8] there is no reason why he should not have remained on good terms with his successor. Ireland also brought Conway into relations with John Pympe, presumably the father-in-law of Sir Richard Guildford, who was appointed 'treasurer of the wars in Ireland' by patent of April 27, 1495.[9] It may have been through this intermediary that he became acquainted with Sir Richard's political disposition in 1503.

I have now to address myself to the circumstance on which Dr. Gairdner founds his contention that this was a bogus intrigue in which Robardes acted as an *agent pro-*

[1] Sir W. Dugdale, *Warwickshire*, 1765, p. 595 b.

[2] *Cal. of Pat. Rolls*, Ed. IV. p. 247.

[3] September 21, 1485. W. Campbell, *Materials*, i. 26.

[4] W. C. Metcalfe, *Book of Knights*, p. 18; J. Haydn, *Book of Dignities*, ed. 1890, p. 758.

[5] W. Campbell, *Materials*, ii. 164.

[6] Cox, *Hibernia Anglicana*, p. 186; *Letters and Papers of Richard III. and Henry VII.* ii. 374.

[7] *Ibid.*

[8] *Dict. Nat. Biog.*

[9] *Letters and Papers of Richard III. and Henry VII.* ii. 375.

vocateur. 'It is certainly very remarkable that no adverse consequences appear to have affected him, but that his name occurs in the commission of the peace for Kent at the commencement of the following reign, and is continued till his death in 1522. Surely the simplest explanation is that he never conspired against Henry VII. at all.'

The solution of this obvious difficulty, which occurred to me when writing my original paper, was that the escape of Robardes was due to the mildness of Henry VII.'s temper towards political opponents from whom he ran no substantial risk. The execution of Sir William Stanley in 1495 is perhaps the worst instance in which, of his own initiative, he showed a suspicious vindictiveness, and we are unhappily in the dark as to what the evidence against Stanley was. The judicial murder of the Yorkist heir, Edward Plantagenet, earl of Warwick, was prompted from without. In his preface to the 'Letters and Papers illustrative of the reigns of Richard III. and Henry VII.,' Dr. Gairdner quotes from the chronicler Hall. 'The fame after his (Warwick's) death sprung that Ferdinand, king of Spain, would never make full conclusion of the matrimony to be had between Prince Arthur and the Lady Catherine his daughter, nor send her into England, as long as this earl lived.' 'Lord Bacon,' adds Dr. Gairdner, 'also mentions a tradition that a long time afterwards when Catherine of Arragon was first informed of Henry VIII.'s intention to procure a divorce from her, she used some words to the effect "that she had not offended, but it was a judgment of God, for that her former marriage was made in blood, meaning that of the Earl of Warwick."'[1] Henry VII.'s treatment of Simnel and Warbeck was extraordinarily magnanimous for that age, Warbeck being simply kept in an honourable detention at court until his repeated attempts to

[1] *Letters and Papers of Richard III. and Henry VII.* i. xxxiii and note. Dr. Gairdner also calls attention to a letter from de Puebla, the Spanish resident in London, dated January 11, 1500, about six weeks after Warwick's execution, which confirms 'the importance attached by Ferdinand to the execution.' The letter is printed *ibid.* p. 113.

escape and his intrigues made him dangerous. If this was Henry's temper towards claimants to his throne, when once they were rendered harmless, even though they had plunged his kingdoms into civil war, what was it likely to be towards minor offenders? What his contemporaries thought of it may be known from the conversation recorded in Flamank's confession, of which I quoted a line in my original paper, but which deserves to be set forth at fuller length. In answer to an inquiry by Sir Sampson Norton of Sir Hugh Conway, whether Conway had acquainted the king with the conversation as to his probable successor already mentioned, Sir Hugh said: 'Yf ye knew kynge Harry oure master as I doo, ye woldbe ware how that ye brake to hym in ony suche matres, for he wold take yt to be said but of envy, yll wille and malis. Then should anion have blame and no thanke for his trouth and good mynd.' . . . 'Item, my master, youre deputie (Sir Richard Nanfan) said that 'I knowell that the kyngis hyghnes is harde of credens in suche matres, and that know ye,' he said, 'master porter (Sir S. Norton), aswell as I, for how longe was yt er hys grace and hys councell wold belyve ony thyng of untrothe to be in Sir James Tyrell; and some said I dyd seke to do hym hurte for malis.' After another similar anecdote by Sir Richard Nanfan, Norton remarked 'yt was grett pitty that the kinge dyd not tryst hys true knightes better and to geve them credens in suche thynges as they should shew for hys surtie.'[1] Sir Robert Curzon, whom Dr. Gairdner mentions in his paper, may perhaps have been another example. There are difficulties in the way of his view that he whom Suffolk had knighted was a spy of Henry VII., but, in any case, in 1500, he used treasonable language as to the king in a conversation with the Emperor Maximilian,[2] yet at a later date, excommunicated traitor though he had been, was received back into grace and favour.

The Earl of Suffolk, Edmund de la Pole, by reason of the

[1] *Letters and Papers of Richard III. and Henry VII.* i. 234–235.
[2] *Ibid.* p. xli.

restlessness of his disposition and his haughty temper, had always been a source of anxiety to Henry VII. His second flight from England in July 1501 was followed by measures of severity against his adherents. The King availed himself of the papal bull which denounced rebels against him as excommunicate[1] to have Curzon and five others 'accursed at Paules crosse . . . as enimies and rebels to him and his realme.' He also arrested a number of the relations and friends of the De la Poles, 'emonge them Lorde William Courtney, sonne to Edward erle of Devonshyre . . . whiche maryed Lady Katheryne, daughter to Kyng Edward, lorde William (de la Pole), brother to Edmund, erle of Southfolke, Syr James Tyrell, Syr Jhon Wyndham.' On May 6, 1502, Tyrrell and Wyndham were beheaded on Tower Hill.[2] Edmund de la Pole was then a penniless fugitive. After this, Henry's concern was not to repress disaffection in England so much as to get possession of Suffolk's person. Upon a former occasion fair words had been effective. There is reason to believe that at the time of the intrigue of 1503 Henry was anxious not further to alarm the De la Poles, or to make it difficult for foreign sovereigns to consent to their extradition. It is true that Ormond's Irish estates had been confiscated, but this, at least ostensibly, had only been incidental to a general Act and might be denied to have been a measure specifically directed against himself. The character of Henry's policy is better illustrated by the case of a nobleman who has been more than once mentioned in this narrative, with whom Robardes, Ormond and his countess, Sir George

[1] Bull of Innocent VIII., 1486, Rymer, *Fœd.* xii. 297.

[2] Hall's *Chron.* 1809, p. 496; Grafton's *Chron.* 1809, p. 225. Tyrrell had undoubtedly held the castle of Guisnes against the King (see *Letters and Papers of Richard III. and Henry VII.* p. xliii), and he had received and succoured Edmund de la Pole on the occasion of his first flight in 1499. Wyndham had been a Yorkist, and as a trustworthy soldier had been nominated a commissioner of array for Norfolk by Richard III. (*Pat. Rolls* R. III. p. 397), bu had been received into favour by Henry VII. and knighted for his valour at the battle of Stoke (June 9, 1487), when Suffolk's elder brother, John de la Pole, earl of Lincoln, had been defeated and slain. (W. C. Metcalfe, *Book of Knights*, p. 16.)

Nevill the Bastard, and the De la Poles were all connected, George Nevill, third Lord Bergavenny of that family. The life of this peer is to be found in the Dictionary of National Biography. From it we learn that 'he was a favourite with Henry VII. and fought on his side against the Cornish rebels at Blackheath in 1497. This last was no great proof of zeal, since the Cornish rising was notoriously lacking in influential support and had no dynastic object. How rootedly hostile he was to the Tudor line appears both from his imprisonment in 1521–22 for complicity with Edward Stafford, duke of Buckingham, another Yorkist claimant, and from the letters of the imperial ambassador Chapuys. Chapuys, writing in 1533, says: 'Among the other allies of the said personage (Reginald Pole) is Lord Bergavenny ('Burgain'), one of the most powerful, wise, and prudent lords of England, who is ill pleased with the King because he detained him long in prison with the duke of Buckingham, his father-in-law, who left therein his person, while Bergavenny left his feathers, that is to say, a great part of his revenue, which he will be glad by some means to get back again and revenge himself.' Bergavenny, according to Chapuys, sent a message to the Emperor 'that there was not a gentleman in the world who would more heartily do your Majesty than he, and that possibly your Majesty would perceive it some day.'[1] The Emperor, it must be remembered, was at that time considering the intervention of the secular arm,[2] and the drift of Lord Bergavenny's hint is not to be mistaken. On November 3, 1534, Chapuys discusses the prospects of an invasion of England by the Emperor in the interests of Reginald Pole. 'It must not be forgotten,' he writes, 'that Lord Burgaen (Bergavenny), father-in-law of Lord Montague, a great and powerful lord, being one of the best allied in this kingdom, and moreover a man of great courage, has much occasion to be displeased because heretofore his goods were taken away without reason.'[3] Bergavenny died in June 1535, and if to

[1] *S. P. For. and Dom.* Hen. VIII. vi. 1164, September 27, 1533.
[2] See *ibid.* 568, May 31, 1533. [3] *Ibid.* vii. 1368, November 3, 1534.

the close of his days he remained adherent to the De la Poles, it is not probable that a man of his tenacity of conviction was ever really reconciled to Henry VII.

Fortunately in this case, we have not to limit ourselves to probabilities. It happens that just as the fact of the broken fortunes of Sir Richard Guildford has hitherto remained buried in the parchments of the Record Office, so a capital incident in the life of this Lord Bergavenny has escaped the researches of his biographer. We must turn back to Edmund de la Pole, a fugitive at Aachen in 1503. In January 1504 he and his brother Richard, and a number of their adherents, were included in the Act of Attainder passed against the Cornish rebels, but it is to be observed that this Act included a number of names of Yorkists who had already been executed, such as Edward, earl of Warwick, Wyndham, and Tyrrell, and the warders who were accused of having plotted the release of Warbeck and Warwick, besides Sir George Nevill the Bastard, and Thomas Kyllyngworth, De la Pole's steward, who were refugees abroad. It would seem, therefore, so far as the De la Pole following was concerned, to have been a *brutum fulmen*, or to be at least directed against their properties rather than their persons. At any rate, Henry VII. allowed Suffolk to suppose that a door of reconciliation was still left open. On January 24, 1506, he, being then a prisoner at Namur in the hands of Philip, king of Castile, commissioned his two servants, Griffith and Kyllyngworth, to enter into negotiations with Henry. The largeness of his demands, including his restoration to the dukedom of Suffolk, suggests that pressing overtures had been made to him.[1] The negotiation was interrupted by an unforeseen incident. His captor Philip being driven, while on a voyage to Spain, to land at Weymouth at this very time, was entertained by Henry and pressed to surrender De la Pole. He consented, not without reluctance, upon the terms that his life should be spared, that he should receive full pardon for past offences and be other-

[1] See *Letters and Papers of Richard III. and Henry VII.* i. liv, 280.

wise well treated.[1] At the end of March, when Philip had left the kingdom, Edmund de la Pole was conveyed to London and lodged in the Tower.

No sooner had this been done than two persons of eminence were arrested. They were George Nevill, the Lord Bergavenny, whose later career has been traced, and Sir Thomas Green. The ground of their arrest, Polydore Vergil expressly tells us, was not any recent offence, but 'quod suspicaretur (Henricus) eos fuisse a principio Edmundi consilii participes.' It would, of course, have been absurd to proceed against De la Pole's adherents without bringing the earl himself to the block under the Act of Attainder already mentioned. Green died in prison. Bergavenny enjoyed the advantage of Henry's naturally placable disposition. Polydore Vergil says of him: 'Georgius vero, princeps modestus atque probus, quia sui semper similis ab Henrico inventus est, paulo mox cum eo in gratiam multo majorem rediit.'[2] The connexion of George, Lord Bergavenny, with the personages of this story begets the suspicion that it was in respect of this intrigue that his arrest took place. It was quite in accordance with Henry's character, when once danger was averted by the incarceration of Suffolk, to readmit both Nevill and Curzon to his favour, and to overlook smaller men such as Robardes.

Suspicions have crossed my mind, since reading Dr. Gairdner's paper, as to the identity of Alexander Symson. He is introduced to us by the clerk of the Council, Robert Rydon, as 'Alexander Symson off Crambroke yn the Counte off Kent Sawyer by craft as he seyth.' Certainly he tells a very circumstantial story, but the words 'as he seyth' suggest a doubt to which other circumstances lend force. 'The seyd Walter (Robardes) hertely desyred this examyny to aredye hymself to goo to hym, and to knowe as well by the weye as he went yn the Dukes landes as of suche as

[1] Adrian de Croy to Maximilian, March 23, 1506, *ibid.* lv.

[2] Polyd. Verg. *Anglicæ Historiæ* (Gandavi, 1557) lib. xxvi. p. 1556. Grafton's and Hall's *Chronicles* are here mere translations of Polydore.

belongyd to the sayde Erle and weer neer aboute hym what ayde and what socor the same Erle shuld have for his cummyng into Englond, and off whome and howesoone he Intendyd to cumme.' I showed reason for thinking that 'the duke's landes,' and the earl's, from which they are distinguished, meant the lands of the duke of Suffolk as distinguished from those of the earl, according to the apportionment set out by the Act of Parliament which divided them, 11 Hen. VII. c. 39. This interpretation appears to me to be supported by the use of the word 'landes' instead of 'country,' of the word 'cummyng,' as though the information were to be gleaned in England, and above all by the fact that the commission was entrusted to a village sawyer, who could scarcely be expected to talk Flemish or to be a likely person to acquire information abroad. But if Dr. Gairdner's interpretation be correct and the phrase 'the duke's landes' mean 'the lands of the house of Burgundy in Flanders,' then Alexander Symson must have been something more than an illiterate sawyer. Certainly he was treated with some rudeness before he had made it clear that he was the emissary of Walter Robardes, but it is remarkable that he should have designed to make his way to Sir Richard Guildford immediately on his return. It would be rash to draw an inference from a name so common as Symson or Simson, and I therefore content myself with observing that, if Dr. Gairdner is right in his interpretation, there may be some significance in the fact that Robert Symson of Rolvenden, Kent, esquire, Guildford's own parish, was one of those who went bail for him in 1505.

I have thus endeavoured to marshal the reasons for thinking that the stories related by the prisoner Alexander Symson and the witness Thomas Broke had a foundation in fact. It is not incumbent upon me to prove that the designs of the Yorkists as narrated by John Flamank were identical with the conspiracy in which Symson was a go-between, or with that, if it be not the same, in which the child James Ormond figured. Undoubtedly the intriguers of Flamank's confession, Lord Bergavenny, Sir George Nevill the Bastard

and his circle, were alike plotting the forcible succession of Edmund de la Pole upon the expected death of Henry VII. I have, I trust, succeeded in showing the probabilities arising from the fact that this matter was taken cognisance of by the clerk of the Council; that two of the chief personages of the story, Robardes and Guildford, were old friends, and that Robardes was connected with the Nevills; and that Guildford, a trusted friend of De la Pole's, was a ruined man, suspected of being disaffected to the king, whose fortunes a revolution might retrieve. These formed, with Ormond and Guildford's friends and neighbours Sir Edward Poynings and Sir Thomas Bourchier, a group of men whose Yorkist sympathies had revolted against the crimes of Richard III., and were probably no less in revolt against the judicial murder by Henry VII. of their old master's nephew. The Earl of Ormond had been during his life, like them, the recipient of the favour of Edward IV., was surrounded by Yorkists, and at that time was suffering a substantial grievance at the hands of Henry VII. His possessions in ready money and his vast estates in England must have made him the king's most powerful Irish subject. His continued residence in England suggests that Henry had some apprehension of his power, so that his presence at Court was in the nature of an honourable detention relieved by foreign embassies. It is a tempting hypothesis that the seizure under an Act of Resumption of his Irish estates was the outcome of suspicion of his implication in some plot such as the erection of Ireland into a kingdom under a scion of his house, dependent doubtless upon the crown of England under a Yorkist sovereign. Lastly we have George Nevill, Lord Bergavenny, connected with Robardes, Ormond and his countess, Sir George Nevill, and the De la Poles, a Yorkist to the end of his life, arrested three years after these events for some bygone political offence. It is scarcely of such materials that a bogus conspiracy is fashioned.

THE MIDLAND REVOLT AND THE INQUISITIONS OF DEPOPULATION OF 1607

By EDWIN F. GAY

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I

THE opinion has recently been expressed by a competent student of the sixteenth century that the inclosures of that period, both those which turned the old open fields into sheep farms, thereby evicting husbandmen from their holdings, and those which hedged in severalty the common pastures, were almost entirely responsible for the greater revolts which occurred under Tudor rule.[1] Mr. Pollard specifies this cause of social discontent as mainly operative in the Pilgrimage of Grace, Wyatt's rebellion and that of 1569, as well as those of 1549, both east and west. Such a view ascribes, I think, an exaggerated importance to the inclosing movement of the time and fails to take due account of the combination of motives, political, religious, and social other than agrarian, which acted concurrently, though often at cross purposes, upon all classes, high and low, of a people which was passing reluctant and uncomprehending through an agitated era of transition. The thread of inclosure discontent, it is true, may be traced more or less plainly in these popular uprisings, but as only one of a tangled skein. Yet it is certainly a hasty generalisation, which, laying emphasis on this single element in a complex problem, declares that the masses who took part in all these rebellions were composed of 'men who had been evicted from their tenements or who had been ground

[1] A. F. Pollard, *England under Protector Somerset*, 1900, pp. 205–210.

down to the verge of poverty by the loss of their rights to common—men who had nothing to hope from the existing social condition, and nothing to lose in case of failure.'[1]

A closer examination will show that inclosures played an appreciable part, as one of the agrarian grievances, only in portions of the revolts of 1536 and 1548–9, and even in these it was not the characteristic inclosure of the period, that of the open fields, which is most prominent, but the much older and long-continued inclosure of commons, while the rebellions of 1554 and 1569 show scarcely a trace of agrarian motive. It was not until 1607 that resentment expressed itself unalloyed with other motives against the depopulating inclosure of the common fields, in a hitherto inadequately chronicled revolt which swept for a brief period through some of the midland counties.

During the greater part of the Pilgrimage of Grace the spirit of opposition to the inclosures or 'intacks' from the common waste, which was embodied in one of the demands of the rebels at Doncaster,[2] made little noise and was easily held in check by the gentlemen leaders of the insurrection.[3] It was not until after the second Doncaster conference, when the main revolt was broken, that, as the end of the rebellion trailed off to the 'high and wild countries' of the north, the anti-inclosure feeling, coupled with bitterness at the increase of 'gressoms,'[4] found vent in the casting open of parks and

[1] *England under Protector Somerset*, 1900, p. 240.

[2] *L. and P. Hen. VIII.* xi. 1246, art. 13. It was demanded that the statute for inclosures and intacks be put in execution, and all inclosures and intacks since 4 Hen. VII. be pulled down 'except mountains, forests, and parks.' In the mass of evidence collected on the causes and course of the rebellion the confession of Wm. Stapulton, one of the rebel captains in Yorkshire, alone mentions in addition to the intacks the 'pulling down of towns and husbandries' (*ibid.* xii. i. 392). One small case of hedge-breaking is mentioned (xi. 960).

[3] The oath of the Yorkshire rebels had expressly forbidden them to 'doe any displeasure to any private person' (Stow, *Annals*, ed. 1605, p. 967), and the council of the rebel leaders at York took order against the 'casting down of inclosures of commons' (*L. and P. Hen. VIII.* xi. 1155 (2, ii.), xii. i. 6, 901).

[4] The resentment at the increase of fines or 'gressoms,' especially in the north-west, seems to have been greater than that aroused by the inclosure of commons. See the proclamation of the rebels, 'Claim ye old customs and tenant right to

closes.[1] The special grudge on this score against the Earl of Cumberland made the Duke of Norfolk reluctant to entrust him with the wardenship of the Marches.[2] Norfolk himself, while roughly stamping out the later leaderless rebellion, expressed his pity for 'the poor caitiffs' who had been 'so sore handled' by gressoms and increasing of the lords' rents by inclosings.[3] The split between the gentlemen and the commons, observable at the close of the Pilgrimage,[4] had also largely contributed to end the earlier fortnight's fiasco of the Lincolnshire rising which had ushered in the greater Yorkshire rebellion.[5] We may, indeed, suspect that the King's instructions to Norfolk, under their fair show of conciliatory words, by enjoining the reception of complaints against inclosures, were deftly intended to widen the breach between the confederated classes in the north.[6] But during

take your farmes by a God's penny, all gressums and heghtnynges to be laid down' (*L. and P. Hen. VIII.* xi. 892), and Article 9 of the Doncaster demands (xi. 1246; cf. also 1080). Cromwell's 'extreme assessment of ther fynes' was mentioned by Aske as one of the grounds of popular hatred against him, so intense 'that in maner they wold eat him, and extemys ther greves only to aryse by him and his councell' (*ibid.* xii. i. 6, in extenso *Engl. Hist. Rev.* v. 340).

[1] *L. and P. Hen. VIII.* xi. 1081, 1296, 1337, xii. i. 136, 163, 1361.

[2] *Ibid.* xii. i. 319, 919.

[3] 'What with the spoiling of them now and the gressing of them so marvelously sore in time past and with the increasing of lords' rents by inclosings, and for lack of the persons of such as shall suffer, this border is sore weked and specially Westmoreland; the more pity they should so deserve, and also that they have been so sore handled in times past, which, as I and all other here think, was the only cause of this rebellion,' *i.e.* of the later risings (*ibid.* xii. i. 478. See also 687, 914, and the complaints of the previous year, xi. 1080).

[4] Of the willing co-operation of the gentry with the commons before the Doncaster conference there is abundant evidence, but afterwards it was possible for Ralph Sadler to report that 'everywhere on this side Doncaster bills have been set on church doors urging the commons to stick together, for the gentlemen had deceived them' (*ibid.* xii. i. 200). This is confirmed by Norfolk (xii. i. 336).

[5] *Ibid.* xi. 971. The sense of betrayal by their leaders animated the cry of the commons: 'Kill the gentlemen' (xi. 975).

[6] 'One ground of the late rebellion was that certain lords and gentlemen have enclosed commons and taken intolerably excessive fines.' The Duke is to receive complaints, inquire who have been most extreme and moderate between them, so that 'gentlemen and yeomen' may live together as they be joined in one body politic' (*ibid.* xii. i. 98). Similar instructions to the Earl of Sussex for Lancashire (xii. i. 302, (4)).

the greater part of the revolt opposition to inclosures had been subordinated to the ill-will excited by the religious changes,[1] an ill-will in which all classes heartily united. The commons responded only too readily to the instigations of their priests,[2] and, though their loyalty was not unmingled with distrust, recognised the claim of their traditional dependence upon their leaders, the nobility and gentry.[3] Aske's statement as to the causes of the rebellion of which he was the captain mentions the grudge against Cromwell [4] and the desire for the abolition of the Statute of Uses.[5] He was voicing however not merely the grievances of the leaders but the general discontent when he emphasised the hostility to the religious innovations, to the royal supremacy, and above all to the suppression of the monasteries. This last, he declared, was 'the greatest cause of the insurrection which the hartes of the comens moste grudged at,' since 'in the north partes much of the relef of the comyns wais by sucor of abbeys.' [6]

[1] That a bitter opposition to the religious changes was the dominant motive is apparent in the numerous statements as to the cause of the rising. See, for example, xii. i. 29, and several of the articles both from Lincolnshire and Yorkshire (*L. and P. Hen. VIII.* xi. 705, 1246, 553, 585, 780, 853) and the oath taken by the insurgents (xi. 705 (4), 1059 (ii.)).

[2] The clergy are described as the 'greatest corypers' of the temporality, the secret occasion of all this mischief (*ibid.* xi. 1371). They were active in both the Lincolnshire and the Yorkshire risings (xi. 972–5, 1047). See the instances cited by Sir Wm. Fairfax (xii. i. 192).

[3] In Lincolnshire 'the poor men were content to be ordered by the gentlemen who might have stopped the insurrection' (*ibid.* xii. i. 70). Sir Brian Hastings wrote that the captains of the rebels were 'the worship of the whole shires' from Doncaster to Newcastle, except the Earls of Cumberland and Westmoreland (xi. 759). Aske declared that 'the commons would have none but the nobility here to rule' (xi. 1128), and the Pomfret meeting shows this leadership (xi. 1209).

[4] We find the gentlemen explaining to the Lincolnshire commons that Cromwell is a 'false traitor and deviser of all the false laws' (*ibid.* xii. i. 70, p. 38). For the popular hatred aroused against him see also xi. 841.

[5] The article against the Statute of Uses was put into the Lincolnshire demands at the request of the gentlemen, the commons knowing little what it meant (*ibid.* xii. i. 70, pp. 37–9). If it had not been included among the Lincolnshire articles, Aske thought it would not have been remembered in Yorkshire (xii. i. 901, p. 406).

[6] *Ibid.* xii. i. 6, 901 (and *Engl. Hist. Rev.* v. 558). The monasteries, according to Aske's statement, also lent money to gentlemen, took charge of

In truth the northern monasteries seem still to have retained some of their mediæval vitality, still to have met social needs no longer to the same extent felt for them or satisfied by them in the more advanced south. Together with the general religious embitterment and the political[1] and class resentment stirring the gentry the commons were influenced not only in some degree by agrarian discontent, but also in large measure, as in the rebellions of the fifteenth century, by the dread of new fiscal exactions.[2]

The same cross-play of motive is noticeable in the widespread outbreaks of 1548–9. When at a time of general dearth and distress Protector Somerset initiated his well-intentioned but politically fatuous anti-inclosure policy, his gaping after the fruitless breath of the multitude, as Hayward puts it,[3] could have but one result; his 'lenity and softness'[4] invited a popular uprising in which diverse elements of disaffection were intermingled. Inclosure riots had apparently

evidences and money, were a convenience in disposing of younger sons and n educating daughters, and were great maintainers of sea-walls, highways, and bridges. The ballad on the Pilgrimage of Grace emphasises the charity of the abbeys; the poor had of them 'Boithe ale and breyde At time of nede, And succer grete In alle distresse' (printed in *Engl. Hist. Rev.* v. 345). Norfolk declared that this indiscriminate almsgiving bred vagabonds (*L. and P. Hen. VIII.* xii. ii. 14).

[1] *Ibid.* xi. 1182 (2), 1244.

[2] Aske said that the rumours of increased taxes were 'not in question among the people' in Yorkshire (*ibid.* xii. i. 901), but there is much evidence that they played a large part in fomenting disorder in both Lincolnshire and Yorkshire. The fullest statement concerning them speaks of the suppression of churches with the confiscation of church jewels, a rigorous assessment, the sealing of cloth, payments on weddings, buryings, and christenings, on unmarked cattle, and on the eating of white bread, geese, and capons. 'These things slanderously reported through the country make every man think they shall be undone for ever' (xi. 768 (2), and see xi. 534, 567, 826, 841, 892, xii. i. 369, 393). These bruits were attributed to 'the traitors of the clergy' (xi. 650, 1047, xii. . 481). The Lincolnshire rebels required 'that the king shall not now or hereafter demand any money of his subjects except for defence of the realm in time of war' (xi. 585).

[3] Sir John Hayward, 'The Life and Reign of Edward VI.,' in Kennett's *Hist. of Engl.* ed. 1719, ii. 289.

[4] Letter of Sir Wm. Paget to Somerset, July 7, 1549 (Strype, *Eccl. Mem.* II. ii. 420, ed. 1816).

been breaking out some time[1] before the appointment in May 1548 of Somerset's first inclosure commissioners. These at once directed their attention to the midland counties, the chief seat of the depopulating attack on the open fields. They had been at work barely two months when riotous levellings of inclosures were heard of in Buckinghamshire,[2] followed by sporadic risings in other parts of the country. The commission had been empowered only to investigate; the people proceeded to act. Partly by persuasion, partly by force, their impatience was quelled, but again early in 1549 the outbreaks were renewed and again suppressed throughout a large part of southern England.[3] By May it was found advisable to issue a proclamation against these 'tumultuous assemblies of lewd persons.'[4] About a month later an order was issued to the gentlemen of Oxfordshire, Buckinghamshire, and Berkshire for the putting down of possible commotions in their counties.[5] In the necessity of maintaining public order the government was forced to fall back, as usual, for its sole support in such an emergency upon the class whose misdeeds the inclosure commissioners had just been laying bare. But here in the midlands the complexion of revolt had altered. While in 1536 the dominant religious

[1] John Hales in his defence says that long before the commission of 1548 there was 'an insurrection in Hertfordshire for the comens at Northall and Chesthunt' (Introd. to the *Discourse of the Common Weal*, ed. Lamond, p. lviii). Early in 1547 we hear of recent disorders 'in many places of the kinges realme' (letter of the Council to the Justices of the Peace, 8 March, 1547, *Hist. MSS. Comm.* vii. i. 605).

[2] Letters between Somerset and Hales, August 1548 (*Lansdowne MS.* 238, ff. 318 b, 319b–321 b).

[3] King Edward's account is that during the third year of his reign 'the people began to rise in Wiltshier, where Sir William Harbert did put them downe, overrun, and slay them. Then they rose in Sussex, Hamptshier, Kent, Glocitershier, Southfolk, Warwickshier, Essex, Hartfordshier, a Pece of Leicitershier, Worcestershier, and Rutlandshier, where by fair purswasions, partly of honest men among themselves, and partly by gentlemen, thei were often appeased, and again, bicause certain commissions wer send downe to plucke down inclosures, then did arise again' (*Literary Remains of King Edward VI.* ed. Nichols, ii. 225–7).

[4] Proclamation of May 22, 1549, *S. P., Dom.*, Edw. VI. vii. 18.

[5] *S. P., Dom.*, Edw. VI. viii. 9.

motive of the northern rebels had been crossed at the end by agrarian grievances, in the midlands in 1549 a movement which had commenced with hostility to inclosures came ultimately under the control of anti-Protestant influences.[1] 'Here in Bucks and Oxfordshire,' writes Somerset on July 12, is a stir 'by instigacon of sondery priests for these matyers of religion.'[2] The gentlemen who had been entrusted with the task of restoring order were busy hanging priests upon their parish steeples.[3] By August 7 an Oxford correspondent of Bullinger was writing that 'the Oxfordshire papists are at last reduced to order, many of them having been apprehended and some gibbeted, and their heads fastened to the walls.'[4] From Rutlandshire and Leicestershire comes word in September of trials and executions.[5] This rigorous suppression made effectual end to the distracted Midland rebellion. Lord Grey's doings in Oxfordshire, wrote Sir Thomas Smith admiringly, were worth ten thousand 'proclamations or pardons for the gettyng the people.'[6]

Meanwhile in the south-west and in the eastern counties more serious risings were in progress. Along the southern

[1] Somerset's letter of June 11, 1549, to the Marquis of Exeter and the Earl of Huntingdon shows the religious motive for revolt gaining the upper hand over the agrarian: 'Whereas in the most partes of the Realme sundry lewd persons have attempted tassemble themselfs and first seking redresse of enclosures have in some places by seditious prests and other yvill peple set forth to seke restitucons of tholde bluddy lawes and some fall to spoil to prevent all inconvenyences w^t yowe pray yo to cause the proclamacons sent herw^t to be published by the sheriff w^ch shal w^thstand yvel Brutes, for yorself and the gentlemen of the shire of Leycestre by y^r admonicons.' (*S. P., Dom.*, Edw. VI. vii. 31.)

[2] Somerset to Lord Russell (printed in Pocock, *Prayer Book of* 1549, Camden Soc. N.S. 37, p. 26, from the *Petyt MSS.* no. 538, vol. 46). A letter of July 18 informs Russell that Lord Grey has 'chased the Rebells of Bucks, Oxfordshire, and these partes to their houses and taken cc of them' (*ibid.* p. 29).

[3] Order of July 19, 1549, prescribed by Lord Grey for the execution of rebels in Oxfordshire, Berkshire, Buckinghamshire, and Northamptonshire (*S. P., Dom.*, Edw. VI. viii. 32). The places mentioned in the order are confined, however, to Oxfordshire.

[4] *Zürich Letters*, 1st ser. vol. ii. p. 391 (Parker Soc.).

[5] The Earl of Huntingdon to the Earl of Shrewsbury, September 12, 1549; *Talbot Papers*, A, 415 (printed in Lodge, *Illustrations*, 2nd ed. i. 163).

[6] Sir Thomas Smith to Cecil, July 19, 1549 (*S. P., Dom.*, Edw. VI. viii. 33).

coast the people were astir in 1548 and the following year. During the summer of 1548 there was an outbreak in Kent, where 500 villagers, we are told, laid open a field inclosed by the Lord Warden of the Cinque Ports.[1] The town authorities of Canterbury sent to the Council for artillery to use against 'the rebellyous that lay bysydes' the city.[2] Commissioners were sent down to pacify the Kentishmen[3] and the inclosure disturbances were quieted by midsummer,[4] only to appear again the following summer in the south-eastern counties.[5] At the other end of the south

[1] *Spanish Chronicle of King Henry VIII.* ed. Hume, p. 169. The author, a Spanish merchant, writing in London about 1550, says the London butchers laid the blame for the high meat prices during the scarcity on inclosures, specifying the Lord Warden of the Cinque Ports and Sec. Paget, the former for taking in 'all the commons in Kent,' and the latter in Northamptonshire. Godwin calls Kent 'the Fountain of this General Uproar' (*Annals of Engl.* ed. 1675, p. 134). Evidence of anti-inclosure activity in Kent is furnished in a suit brought concerning Boxley Park and a neighbouring wood, inclosed by order of Sir Thomas Wyatt about 1543–4. This was 'not throwen open in the tyme of rebellion of comen welthe,' but 'twoo parcels of lande belonging to Newenham Courte were then cast open and throwen downe by the people in that rebellion w'in the parishe of Boxley' (*Exch. K. R., Barons' Depositions*, no. 815).

[2] 'Records of the City of Canterbury,' *Hist. MSS. Comm.* ix. i. 154. (Cf. article by Thos. Wright in *Archæologia*, xxxi. 211.)

[3] Memoranda of July 18, 1548, addressed to the Lord Protector by E. Wotton and others, commissioners in Kent (*Hist. MSS. Comm., Lord Salisbury's MSS.* i. 54). The articles of the Kentish rebels, here mentioned, are unfortunately not preserved. Godwin says the commissioners caused the inclosures to be thrown open (*Annals*, p. 134).

[4] *Acts of the Privy Council*, i. 567.

[5] A Council letter of July 10, 1549, to Russell, putting the best face on things, represents the disaffected of Suffolk, Essex, Kent, Hants, and Surrey as confessing their faults 'with verie lowlye submission,' and ready to fight the rebels of the west. But another letter of July 22 to the same acknowledges that 'no lenger then yesterdaye sume of the Countres hereabouts, as Essex, Suffolk, Norfolk, and Kent, were not in so good ordre and Quiet as we wold wyshe.' Their articles were apparently 'to have one man to have but one ferme lands at theyr owne parych, and such lyke' (Pocock, *op. cit.* pp. 24, 31–2). Sir John Markham writes, August 1, 1549, to the Earl of Rutland from the Court that in the 'generall plage of rebelling' 'Kent, Sussex, Essex, and all the parts near London have meekly confessed their folly and pray for the king's most gracious pardon' (*Hist. MSS. Comm.* xii. iv. 42, *Rutland MSS.* i.). An echo of disaffection in Hertfordshire comes from a Star Chamber case of 5 Edw. VI., where a constable deposes that 'at the tyme of the last rebellion . . . he durst not execute his office, for he was arrestyd twyse in the Marischalsy for executyng his office upon

coast commissioners were likewise in 1548 putting down in Cornwall a revolt, not agrarian but religious in its character.[1] Early in 1549 fresh uprisings were taking place in another section of the south-west, beginning in Wiltshire and Somersetshire and thence spreading eastward.[2] These seem to have been animated in large measure by hostility to inclosures of parks and commons,[3] but there are signs in Hampshire, as in the midland movement, of Papist stirrings.[4]

one that had offendyd the kyngs lawes at that time' (P. R. O., *Star Chamber Proc.* 7/53).

[1] The first Cornish rising was in April 1548, but was speedily suppressed and a proclamation of pardon made (May 17) to all but thirty ringleaders (*Cotton MSS.*, Titus, B. ii. f. 25). On June 3 the commissioners were ordered by the Council to proceed to the execution of the traitors, 'albeit some of them thoughte the nomber appointed to be executed there was over greate' (*Acts of Privy Council*, ii. 554). The *Black Book of Plymouth* notes that this first insurrection was 'pacified by the gentylmen of the countrey with small troble, but then certaine of the chyff of the comens were hanged, drawn, and quartered' (*Hist. MSS. Comm.* ix. i. 277).

[2] The beginning was in Wiltshire, according to the King's Journal (above, p. 272, n. 3), but in John Hales's account the risings of 1549 commenced in Somersetshire, thence entering Worcestershire, Gloucestershire, Wiltshire, Hampshire, Sussex, Surrey, Essex, and Hertfordshire, as well as affecting the midlands (Introd. to the *Discourse*, p. lviii). Holinshed adds Lincolnshire to the list (*Chronicle*, ed. 1808, iii. 917).

[3] On May 15, 1549, the Council was bidding the Hampshire sheriffs and justices to employ the power of the shire with vigour for the suppression of turbulence, since they had heard that 'sondry light folks of the counties of Somerset and Wiltshire have attempted to stirr in great companies upon pretence of libertie proclamacions against enclosures' (*Hist. MSS. Comm.* xi. iii. 116). A later Council letter (May 26) to the mayor of Southampton dates the outbreak of 'mysorder' in Hampshire (*ibid.*). John Paston writes, May 25, to the Earl of Rutland details of the Wiltshire rising. 'Ther ys a grete number of the commonse uppe abowte Salssebery in Wylleshere and they have pluckyd downe Sir Wyllyam Harberde's parke that ys abowte hys new howse, and dyverse other parkysse and commonse that be inclosyd in that cuntre, but harme thay doo too parson (nobody). Thay saye thay wylle obaye the Kynges maister and my lord Protector with alle the counselle, but thay saye thaye wyll nat have ther commonse and ther growendes to be inclosyd and soo taken from them. . . . Ther is neyther gentylle man nor yet a man of any substance as furforthe as I can lerne amoynge them' (*Hist. MSS. Comm.* xii. iv. 36, *Rutland MSS.*). Holinshed has it that 'in Summersetshire they brake up certaine parks of Sir William Herbert and the lord Sturton.'

[4] The clerical animus of Hampshire disaffection is illustrated in the depositions of Blakman and Sylver against John Garnham of Winchester, August 12, 1549. Garnham said, 'We have ten thousand now in a Redyinesse for Flynte he will

Not so easily suppressed were the greater and better known risings of the extreme south-west and the east, which broke out in June and July respectively. The commons of Devonshire and the Cornishmen, who soon joined them, were thoroughly incensed at the liturgical and other religious changes, and, incited by the clergy and abetted more or less openly by at any rate a portion of the gentry,[1] collected in formidable numbers. It was only by the assistance of mercenary troops that Lord Russell was in August able to crush their stubborn resistance. Sympathetic disaffection had been plainly shown in neighbouring counties, and the usual gruesome epilogue of executions was enacted in Somersetshire as well as in Devonshire and Cornwall.[2] In

bringe a greate sight of them oute Sussex and we shall have all the bishoppes tennaunts full and hole. And all the countrie rounde abowte will repaire unto us, for I knowe there is not one of the bishoppes servaunts but if he have xii^{d} we shall have vi^{d} of yt. . . . We shall have all the Ayde of the prestes on the close (at Winchester) and we shall have money inough' (*S. P., Dom.*, Edw. VI. viii. 41).

[1] Hooker says the western rebels 'hade the countenance of some such of the beste, as whoe did both favour their cause and secrietly encoraged them' (Life of Sir Peter Carew, printed in *Archæologia*, xxviii. 116). In his account of the rebellion he specifies some of the gentlemen and yeomen who were willing 'to be capteins and guiders'—in Devonshire Sir Thos. Pomeroy, knight, John Bury and 'one Coffin,' gentlemen, and in Cornwall Humphrey Arundell and Winneslade, esquires, and Holmes, a yeoman (in Holinshed, ed. 1808, iii. 944). Others of good birth are mentioned in the correspondence between Lord Russell and the Council; Robert Paget, brother of Sir William Paget, for instance, was declared by Somerset 'to have been an heade and captyon of rebellion' (letter of August 11, with other letters referring to the same in Pocock, *op. cit.* pp. 53, 55, 62, 74). Sir John Arundell's loyalty was in question before the Council (*ibid.* pp. 23, 26, 28). At the beginning of the outbreak the justices of the peace with their retinues outnumbered the rebels, but were inactive, probably, as Hooker suggests, because some of them 'did not like the alteration (of religion), as it was greatlie suspected.' This suspicion was shared by Lord Russell, who in his letters to the town authorities of Exeter ascribed the chief blame for the rebellion to 'the lacke of suche aide and assistaunce as the gentelmen of the country shoulde have geven' (Cotton and Woollcombe, *Gleanings relative to the History of Exeter*, p. 191). He declared that 'a greate many' of the citizens of Exeter, 'of good wealthe and substaunce,' showed their 'synister affeccons' in the cause (*ibid.* p. 192). Mr. Pollard goes too far when he says that there was not a peer, 'not even a knight' or a man of wealth, implicated in the western rebellion (*op. cit.* p. 239).

[2] Russell had informed the Council that he could raise but 1,000 footmen from Dorset and Somerset, because of the 'evill inclynation of the people,' the

the major revolt of the south-west the motive was undoubtedly religious. There was an insignificant undercurrent of grudge against the gentry, evidenced by one of the rebels' articles which demanded a limitation in the number of gentlemen's servants.[1] And there was the same fear of increased taxation which was present in 1536, fomented apparently in this instance by the western clothiers as well as by the 'popyshe prests.'[2] But no word of agrarian complaint is audible.

rebels bragging of 40,000, 'to set on your backs out of those shires' (Pocock, pp. 32, 40). Bury and other Devonshire leaders after their defeat attempted 'to stir up Somersetshire and have gotten them a band or camp, but they are set after' (Somerset to Sir Philip Hoby, August 24, 1549, printed in Strype and more correctly in Burnet, *Hist. Ref.* ed. Pocock, v. 250). The account for 1549 of Sir John Thynne, sheriff for Somersetshire and Dorsetshire, contains his expenses in executing rebels at Frome, Wells, Shepton Mallet, Glastonbury, Milverton, Wyllyscombe, Dunster, and Exford. By reason of pardon to offenders at Wells, North Currey, and Bridgewater, he notes the loss of money he had paid for the 'irons to hang them with' (P. R. O., *Exch. Mem. L. T. R.*, 3 Edw. VI. p. ii. m. 177 d).

[1] Art. 13 of the second set of articles. 'It appeareth plainly,' said Cranmer in his 'Answers to the Fifteen Articles of the Rebels,' 'that you devised it to diminish their strength, and to take away their friends, that you might command gentlemen at your pleasures. . . . Will you now have the subjects to govern their king, the villains to rule the gentlemen, and the servants their masters?' (Parker Soc. ii. 185.) Among the charges against two of the Cornish rebels, themselves entitled 'Esquire' and 'Gentleman,' were that 'they imprisoned divers knights, esquires, and gentlemen of Cornwall, crying out, "Kill the gentlemen and we will have the Act of Six Articles up again and ceremonies as were in King Henry the Eighth's time"' (*Baga de Secretis*, pouch xvii.; *D. K. Fourth Report*, App. ii. 221).

[2] Letter of Council to Lord Russell, June 29, 1549, concerning the rumours current in Devonshire, that 'after the payment for shepe they should paie for theyr geese and piggs and such like.' He is to declare that these rebels 'be wonderfully abused, and that by the provocation only of certain popyshe prests' (Pocock, *op. cit.* p. 16; similar account as to the reports spread by the priests in Holinshed, p. 924). One of the articles of the 'Supplication' of the rebels of Devon and Cornwall, answered July 8 (this article not found in either of the two sets of articles preserved in Holinshed, pp. 918–9, and in the answers of Cranmer and Nicholas Udall), prayed for dispensation from 'the reliefe granted unto us by the Parliament, of cloth and shorn sheep' (Tytler, i. 182). The Council were inclined to grant this, but were dissuaded by Russell. They were, however, of contrary opinion to him in regard to the clothiers, by whose action the Council held (August 27) that 'this sparke of rebellyon toke the kyndling' through 'theyr malignimity at the relyefs pulling a waye of theyr workmen, ye and pryvie insencing and encouragment' (Pocock, pp. 61–2, 66). The 'reliefs' referred to were those on sheep and woollen cloth granted by Edward's second Parliament

The banners of the insurgents bore not the plough, as in some other risings, but the 'Holy Sacrament.'[1] The cause of the rebellion, according to Hooker, the 'testis oculatus,' 'was onelie concerning religion.'[2]

In the eastern counties the tenacious opposition to change was directed not to the conservation of the familiar church ceremonial but to the preservation of long-exercised common rights. In the petition of the eastern rebels there were five demands which touched on these rights;[3] their first activity in Norfolk was the levelling of the fences about an inclosure of common at Attleborrow,[4] and the contemporary references to the grievances of these rebels emphasise this type of inclosure as the prime cause of the rising. 'The greatest griefe,' said Lever in this connection, 'that hathe been unto the people in thys realme, hath bene the inclosing of commons.'[5] Cranmer, in his sermon on rebellion, admitted that there had been much complaint against gentlemen and rich men 'that take the commons from the poor,' but that was no excuse, he urged, for the rebels to take all things, 'both the common and the proper.'[6] The excesses of the 'camping time' on Mousehold Heath,[7]

(2–3 Edw. VI. c. 36) and promptly repealed in the next parliamentary session in response to the complaints of the clothiers (3–4 Edw. VI. c. 23).

[1] *Spanish Chron. of Henry VIII.* p. 181. One of the banners of the Lincolnshire rebels of 1536 bore the plough, the chalice and Host, the five wounds, and the horn of Horncastle (*L. and P. Hen. VIII.* xii. i. 70 (xiii)). See the description of these flags in the homily against rebellion (*Homilies*, ed. 1595, sig. Oo 3).

[2] Holinshed, p. 926.

[3] Printed in F. W. Russell, *Kett's Rebellion*, pp. 48 ff.

[4] Hayward, *The Life and Reign of Edw. VI.*, in Kennett, ii. 296.

[5] Thos. Lever, *Sermon in the Shroudes*, 1550 (Arber reprint, p. 39).

[6] Cranmer, *Works* (Parker Soc. ii. 195).

[7] A case before the Star Chamber illustrates this side of the revolt. The crown tenants of Leyston, Suffolk, complained against Robert Brown that he had deprived them of their commons, that he was overrunning the land with his flock of sheep and his 'connyes.' The defendant set forth the agreement as to the use of common which had been duly observed by himself and the tenants 'untyll the Campyng tyme, that is to saye about the monyth of Julye last past,' when the complainants riotously depastured their cattle, 'as though all wer ther own,' and compelled the defendant's wife 'to vytell the Rebels.' His family were obliged to take refuge three days and nights in the woods (P. R. O., *Star Chamber Proc.* Edw. VI. 4/7).

to which Cranmer referred, were, however, soon stopped. Lord Russell's bloody victory over the Catholic rising in the west was followed by Warwick's equally decisive check to the agrarian rebellion of the east. In the same month a parish clerk and a few yeomen headed a slight outbreak, soon suppressed, in Yorkshire,[1] and for some time afterwards the Council was engaged in treading out the smouldering embers of insubordination in various parts of the country.[2] But the fears of a general conflagration were allayed; the gentlemen were masters of the situation. There had been in reality however, but little danger of a fatal result. The movement lacked all unity of purpose or execution.[3] The rebels of the west wanted the old religion, those of the east were apparently not unfriendly to the new;[4] the yeomen and husband-

[1] Stow, *Annals*, ed. 1605, p. 1006; *Lit. Remains of King Edw. VI.* p. 228. See also Somerset's letter to Sir Philip Hoby of August 24, 1549, referred to above (p. 276, note 2).

[2] Commotions in the west, in Nottinghamshire, Kent, and elsewhere durin 1550 (*Acts of the Privy Council*, iii. 6, 31, 35, 198, 225, 256, 262, 272, 295; iv. 45, *et al.*) Men from the Boulogne garrison were distributed in Dorsetshire, Hampshire, Sussex, Essex, Kent, and Suffolk (*ibid.* iii. 81). In 1550 one John Higgins was indicted at Hereford for inciting others to break up inclosures, saying that by the king's proclamation all inclosures were to be broken up (*Hist. MSS. Comm.* xiii. iv. 317). An insurrection was prevented the following year in Leicestershire, Northamptonshire, and Rutlandshire (letter of Sir John Harrington to the Lord Admiral, September 2, *Hist. MSS. Comm.*, *Lord Salisbury's MSS.* i. 92).

[3] The confusion of motive is well portrayed in Somerset's letter to Sir Philip Hoby, August 29, 1549: 'The causes and pretences of these uproars and risings are divers and uncertain, and so full of variety almost in every camp (as they call them) that it is hard to write what it is; as ye know is like to be of people without head and rule, and that would have that they know not what: some crieth, Pluck down inclosures and parks, some for their commons; others pretendeth religion; a number would rule another while and direct things as gentlemen have done; and indeed all hath conceived a wonderful hate against gentlemen, and taketh them all as their enemies' (Burnet, *Hist. of the Reformation*, ed. Pocock, v. 251). Hales mentions the divergent causes of the insurrections (Introd. to *Discourse*, p. lvii).

[4] The Princess Mary wrote to Somerset from Kenninghall, Norfolk, in self-defence 'that all the rising about the parts where she was, was touching no part of religion' (Strype, *Eccl. Mem.* ii. i. ch. 21). She was referring, of course, to Roman Catholicism; several of the articles of the eastern rebels are animated by zeal for Reformed ideas, for 'the woorde of God' (Russell, *Kett's Rebellion*, pp. 49, 51, 53).

men of Norfolk and Suffolk demanded the restoration of their threatened common pasture land, but this demand was not voiced in the Devonshire rebellion. This distinction between the risings of the east and west is well known and obvious enough ;[1] in view, however, of the confident assertion that in the west 'the inclosure of their commons was a more potent irritant with the agricultural labourers than the alteration in the form of their belief,'[2] the observation must be made that in those western counties—Devonshire and Cornwall—where rebellion was most stubborn there is very little evidence of inclosing of any kind,[3] that it is misleading to speak of the rebels as only agricultural labourers or men 'with nothing to lose,'[4] and that it scarcely does justice to the popular religious feeling of the time in this section of England to

[1] This distinction has not always been clearly made. While, as we have just noticed, the Council was erroneously suspecting the Princess Mary of instigating and abetting a revolt for the old religion in the east, it was, under equal misapprehension, sending inclosure proclamations to pacify the rebels of Devonshire and Cornwall (Pocock, p. 17 ; letter of June 29 ; cf. letter of July 4 to Paget at Brussels, p. 24). Stow, Grafton, and Cooper say that the Devonshire rising was not only against inclosures, 'but they were chiefly offended with the alteration of religion' (Stow, *Annals*, ed. 1605, p. 1005 ; Grafton, *Chronicle*, ed. 1809, p. 514 ; Cooper, *Chronicle*, ed. 1565, f. 345). Godwin likewise confuses the two movements. Drayton thinks the Cornish rebellion was 'call'd Inclosures to cast downe' (*Polyolbion*, ed. 1672, pt. ii. p. 62), while Lingard represents the conscience of the Norfolk rebels revolting against the new service (*Hist. of Engl.* ed. 1849, v. 290).

[2] Pollard, *op. cit.* p. 239.

[3] An examination of a large number of inclosure cases before the Star Chamber discloses but few instances in these two counties, four in Cornwall, and three in Devonshire, and these are for inclosure of common pasture or small cases of hedge-breaking. Among the proceedings of the Court of Requests I have noted no cases of inclosure from Cornwall and but one from Devonshire, where in the manor of Byckelegh and Shagh the tenants were inclosing small parcels of the waste (*Proc.* 3 Ed. VI. 16/4). Both these counties belonged to the old inclosed districts of England, and the only new inclosure here possible, that of the common pasture or waste, seems at this period to have been inconsiderable.

[4] Mr. Pollard, in his excellent book on Henry VIII., in describing the Pilgrimage of Grace, again reverts to this notion that 'the rebels were drawn mainly from evicted tenants, deprived of their holdings by inclosures or by the conversion of land from tillage to pasture, men who had nothing to lose and everything to gain by a general turmoil (*Henry VIII.* 1902, p. 237). Many of the impoverished and the dregs of society would undoubtedly welcome these turmoils, but to make them the chief, or even important, elements in the greater

describe the conservative countryman as indifferent to the church ceremonies and associations which were interwoven with the chief concerns and hopes of his life.[1] It is worth noting also that though we hear in the east of opposition to common inclosure and farm engrossing the rebellion seems to have evoked here no complaint against the depopulating inclosures of the open fields. Such complaint was confined to the midlands, yet even in this centre of inclosing activity was not strong enough to dominate the movement. Here, distracted between the cross currents of motive, the revolt was but an impotent congeries of local riots.

revolts of the sixteenth century seems to me a plain misreading of the evidence. We have a glimpse of this propertyless class at the close of the Pilgrimage, when the movement was no longer so well under the control of its leaders. Sadler, for example, reports from his northern journey in January 1537 that 'he found men in the bishopric (Durham) very desirous of quiet, except those who had nothing of their own and might gain by robbery' (*L. and P. Hen. VIII.* xii. i. 259); and Sir Henry Savile writes at the same time from Lancashire that 'from Sawllay Abbey northwards those who have little are still wild' (*ibid.* p. 281). But even in poor Westmoreland and Cumberland the goods of the 'poor caitiffs' executed for the later rising amounted to some 400 marks (*ibid.* p. 641). In the depositions after the rebellion each class seems anxious to cast the blame on some other, but it is clear that all were involved in the main rising.

To prevent the spread of the western rebellion in 1549, the Council sent down proclamations for Cornwall, Somersetshire, and Dorsetshire for the forfeiture of the lands, copyholds, and goods of all who, after a certain date, should remain with the insurgents, 'the matyar of copiholds being so generall a leving to the nomber of those shires, shalbe as moche a terror as anye other thing that can possibly be devised.' This measure, it writes, 'will be some stay to those ready in Cornwall to join the rebels; if not, put it in execution, which will draw them back' (Pocock, pp. 32, 33). The Council writes later, September 10, explaining the intention of these proclamations, and disapproving Russell's gifts of the rebels' lands and goods to his soldiers, since 'by these gifts the multitude of the common people seinge ther lands and goods geven from them, wer therbye made the more desperate' (*ibid.* pp. 68–71). Nicholas Udall, writing as a countryman of the rebels, warns them that in the rebellion 'your substance and catall is not only spoiled and spent upon unthriftes . . . your houses falle in ruin,' and more to the same effect ('Answer to the Commoners of Devonshire and Cornwall,' printed in Pocock, p. 145). This certainly does not point to the desperate poverty of the rank and file.

[1] The Reformers frequently inveigh against the conservative clinging to the old faith among the common people. John Hooker speaks of the unpopularity of the Reformation preachers in the west and of the 'obstynauncie of the people . . . so miche addicted to the Popishe religion' (Life of Sir Peter Carew, *Archæologia*, xxviii. 116, 147).

There was, perhaps, a demand for the restoration of pasture land at the time of Wyatt's rebellion,[1] and irritation, both in connection with increased rentals and fines[2] and with decay of tillage,[3] in the north, but so far as I have been able to examine the evidence I can find no reason to doubt the dominantly religious and political character both of the Kentish rising of 1554 and the equally futile northern rebellion of 1569. The discontent of Protestant south-eastern England with Mary's policy[4] was paralleled fifteen years later by the

[1] Peter Martyr writes to Bullinger from Strasburg, February 24, 1554, the news there received of Wyatt's rebellion. 'The army in encampment,' it was reported, 'make three demands of the Queen: 1, that a king shall be chosen of English blood; 2, that the religion that flourished under Edward shall continue to be in force; and 3, that all the pasture lands which had been forcibly seized by persons in power shall be restored' (*Zürich Letters*, 1st ser. ii. 514).

[2] Grindal, Bishop of London, writes to Cecil in 1563, asking that the poor tenants of 'that little angle where I was born, called Coupland, parcel of Cumberland, the ignorantest part in religion, and most oppressed of covetous landlords, of any one part of this realm to my knowledge,' be not left subject 'to the expilation of these country gentlemen' (*Remains of Grindal*, Parker Soc., pp. 256–7). The surveyors of the rebels' lands in the north report in 1570 that the Earl of Northumberland had 'taken sore fines of his tenants for things of small value' (*Cal. S. P., Dom.*, Eliz. vol. vii. p. 288). 'The country people,' they add, 'have been sore taken on, what by their Lords in taking great fines for their lands, the spoil lately made by the armies, and compositions made by men for their lives, . . . so the people seem to be in much obedience, though they talk of some of their countrymen somewhat at large for their hard dealing with them' (*ibid.* p. 290). After completing their survey in all the northern counties they comment again on the 'great fines,' the land being let 'so that no ground in our country is dearer' (*ibid.* p. 307). Among the arguments supporting a Bill, proposed in 1571, for the confirmation of tenant right in Cumberland was that if fines were certain, thus removing the fear of the landlord, the tenants would not be led by their landlords to rebellion, 'as lately by Leonard Dacre' (*ibid.* p. 348). But one of Leonard Dacre's retainers had just been urging him to raise fines on his tenants, saying that if he made himself a popular landlord in other respects 'they will not think much of their rent doubling' (*ibid.* p. 225).

[3] As examples of the decay in the tillage in the north which aroused the concern of the government (see p. 294, n. 2), I note the depopulation of Ross, Northumberland, by conversion to pasture shortly before 1561 (Raine, *N. Durham*, p. 19), and the threatened evictions at Nesbit (*Hist. MSS. Comm.* xii. iv. *Rutland MSS.* i. 79.

[4] The Earl of Arundel, writing to the Earl of Shrewsbury, Jan. 28, 1554, says, 'The cause of this insurrection, as they bruit in all these places, is the Queen's marriage with the Prince of Spain' (Lodge, *Illustrations*, i. 233). The Queen herself in letters of Jan. 25 and Feb. 1554 to the Council of the

Catholic reaction in the north-west against Elizabeth;[1] a marriage question in both cases brought in a political

Marches, and through this Council to the sheriff and justices of Shropshire, declared that 'under the pretense of myslykinge this mariedge' the rebellion was directed against herself and 'the Catholycke relligion and divine service restored within this our realme' (*Hist. MSS. Comm.* x. iv. 449, xiii. iv. 318). A well-informed contemporary adds that to the resistance to the Spanish marriage the rebels joined a desire 'for moving certayn counsellours from about the quene' (*Chronicle of Queens Jane and Mary*, p. 36). Lord Cobham, writing to the Queen, asserted that most of the rebels were 'rascalls and rakehells as lyve be spoyle' (Cruden, *Gravesend*, p. 181), but Sir Thomas Cheyney, Lord Warden of the Cinque Ports, testified to the temper of the commons, their earnestness 'in this theyr most develishe entreprise; and will by no means be persuaded to the contrary but that it is for the comen welthe of all the realme' (letter printed in Burgon's *Gresham*, i. 168, and in Cruden, p. 183). For the honest behaviour of Wyatt's men in Southwark see the *Chronicle* above cited, p. 45.

[1] There was word of the 'inconstancy and murmuring of the people in the north, touching the alteration of religion,' in 1565 (*Cal. S. P., Dom.*, Eliz. vol. vi. pp. 567, 570), and the examinations of the leaders show clearly that the purpose of the rebellion of 1569 was the restoration of Catholicism and the recognition of Mary, Queen of Scots, as the heir to the English throne. (See the statement of the Earl of Northumberland, *ibid.* p. 407, printed also in Sir Cuthbert Sharpe's *Memorials of the Rebellion of* 1569, p. 202, and Thos. Norton's examination, *Hist. MSS. Comm., Lord Salisbury's MSS.* i. 468.) When the two earls, followed by many of the leading gentlemen of the north, raised the standard of religious revolt, stating in their proclamation that they intended the redress of the overthrow of the true and Catholic religion (*Cal. S. P., Dom.*, Eliz. vol. vii. p. 111), the Earl of Sussex wrote that 'the people like so well their cause of religion that they flock to them in all places where they come' (*ibid.* p. 112). Sussex was not sure of his own handful of soldiers (*ibid.* pp. 108, 112), since in Yorkshire the 'inhabitants were more addicted to the rebels than to the Queen' (*ibid.* p. 124). Despite their high fines the 'meaner sort' sided willingly with the rebel leaders, and suffered for their religion. By Feb. 4 we hear of 500 of the poor sort already executed (*ibid.* p. 221). Inventories were taken of the goods and lands of this poor rebel class, amounting in value to 3,000*l.* (*ibid.* p. 251), but that they might not be 'brought to extreme beggary' and desperation they were allowed to go free and fined (*ibid.* p. 271. See the instructions, p. 252). Sir Ralph Sadler's letter of December 6, 1569, from the north, testifies to the stubborn conservatism of the 'comon people . . . ignorant, full of superstition, and altogether blynded with tholde popish doctryne,' as well as of their leaders, 'for there be not in all this countrey x gentlemen, that do favour and allowe of her Majesty's proceedings in the cause of religion' (*State Papers and Letters of Ralph Sadler*, 1809, ii. 325). James Pilkington, Bishop of Durham, writing to Cecil, January 4, 1569, does not support the doctrine that the rebels were men who had 'nothing to lose.' 'The number of offenders,' he says, 'is so grete, that few innocent are left to trie the giltie: and iff the forfeted landes be bestowed on such as be straungers, and will not dwell in the cuntre, the peple shall be withoute heades, the cuntre desert, and no number of

element, but of agrarian or social motives there is no satisfactory proof. Indeed, for the latter half of the century the anti-inclosure irritation found sufficient vent in occasional local and unimportant disturbances, though in Oxfordshire, under the stress of the scarcity of 1596, there were murmurs of rebellion against the inclosing gentry.[1]

But finally in 1607 the gradual advance of the inclosure movement in the midlands produced an outbreak on the part of the peasantry which had something more than the dimensions of the ordinary local riot. Through their county members, Sir Edward Montague acting as spokesman, the people of Northamptonshire had in 1604 declared as one of their grievances 'the depopulation and daily excessive conversion of tillage into pasture.'[2] Sir Edward, though himself impressed with the inconveniences of the open-field husbandry,[3] in reporting these complaints to Parliament, said that the 'cry of the county' had 'so strongly enjoined'

freeholders to doe justice bi juries, nor service in the warres' (*Works*, Parker Soc. p. ix).

[1] It was planned that some two or three hundred people should meet at Enslow Hill, spoil gentlemen's houses, and march to London, where they expected the support of the apprentices. A carpenter and a miller are indicated as the ringleaders, and the rebels are described as chiefly young unmarried men and not poor. One of the leaders asked for good fellows in Witney 'who would rise and knock down the gentlemen and rich men that take in the commons and make corn so dear.' Another declared that inclosures would be pulled down, 'whereby the ways were stopped and arable lands enclosed.' The chief inclosers were indicated: 'Mr. Power has enclosed much; Mr. Frere has destroyed the whole town of Water Eaton; Sir William Spencer has enclosed common fields, and many about Banbury and other places have done the same.' Henry, Lord Norris, one of the lords-lieutenant of Oxfordshire, asked for a 'commission and some order to be taken about enclosures on the western part of the shire, where this stir began, that the poor may be able to live' (*Cal. S. P., Dom.*, Eliz. vol. iv. pp. 316 ff., 343, 345; see also *Hist. MSS. Comm., Lord Salisbury's MSS.*, vii. 46). The Council wrote several letters to the Lord Lieutenant of Oxfordshire concerning this intended revolt. The ringleaders were sent to London and examined 'under torture' by the Attorney-General and others. A paper drawn up in connection with these proceedings, erroneously calendared among the State Papers of James I., is here printed in Appendix I. Two gentlemen were accused of complicity in the rising. (Acts of the Privy Council, xxvi. 64, 365, 373, 383, 398, 412.)

[2] *Hist. MSS. Comm., MSS. of Lord Montagu of Beaulieu*, p. 42.

[3] *Ibid.* p. 107.

him that he could do no less than present this request to the 'consideration of your wisdoms.' It may be, as James asserted in one of his 1607 proclamations, that some fugitive notion of reform had been entertained,[1] but beyond re-enacting Elizabeth's last tillage statutes no effective steps had been taken to redress the grievance. Dearth had repeatedly stimulated both inclosure riots and legislation,[2] but it is not clear whether the rising corn prices, which reached their height in 1608, were sufficiently felt in the midland counties during the early part of 1607 to form one of the immediate causes of the revolt.[3] Northamptonshire had a certain Puritan element, which perhaps sympathised with the popular grievance—ecclesiastical abuses were at any rate

[1] Proclamation of May 30, 1607 (*Rot. Pat.* 5 *Jac. I.* p. 16): 'It is manifest by Act of Parliament, passed since our comming to this Crowne, that we have bene carefull to prevent such Enclosures and Depopulations, and that it hath bene an ordinary charge given by us to our Justices of Assizes, when they went to their Circuits, to enquire of all unlawful Depopulations and Enclosures, and to take order to remedy the same, and to punish the Offendors therein according to the due course of Law. And it is well knowen to many that we were now also in hand with some course to be taken by advise of our Counsell for the performance thereof.' In the following inclosure proclamation of June 28 the blame for non-execution of the law is transferred from the Justices of Assize to the people, who 'have bene wanting to themselves in the due and ordinary meanes which they ought to take, by presentment of such as are or have bene guilty of these oppressions.'

[2] Most of the anti-inclosure legislation of the sixteenth century coincides with periods of dearth. Complaints of dearth are audible at the time of the risings of 1536, 1548–9, and 1596. In 1620 the justices of Northamptonshire, in reporting against the project of corn magazines, add that the poor should be provided with cheap corn, 'to prevent their discontent and tumultuous levelling' (*Cal. S. P., Dom.*, James I. vol. x. p. 130).

[3] The inclosure proclamation of July 24, 1607, asserts that 'there was not so much as any necessitie of famine or dearth of corne . . . that might stirre or provoke them.' Rogers, however, indicates rising prices (*Ag. and Prices*, v. 186). High corn prices are reported from the west of England in 1606–7, and there are proclamations 'for thamendyng of the dearth of graine and other victuall' in 1607–8 (*Hist. MSS. Comm.* ix. i. 160, 268–9). A letter of Wm. Combe to the Earl of Salisbury, June 2, 1608, speaks of the dearth of corn in Warwickshire and adds that the common people threaten to resist turning arable land into pasture (*S. P., Dom.*, James I. vol. viii. p. 437). These troubles of 1607 are perhaps referred to by Arthur Standish when he mentions the mutinies caused 'only for the dearth of Corne in Warwikshire, Northamptonshire, and other places' (*The Commons Complaint*, 1611).

coupled with depopulation in the petition of 1604—but there is no trace of its activity in directly fomenting the disorders. There are dark hints that the levellers were instigated by the private animosities of their social betters,[1] and it is fairly certain that numerous townsmen and villagers willingly assisted the peasants in their enterprise and facilitated the rapid spread of the movement beyond the confines of Northamptonshire.[2] But unappeased irritation at the depopulating inclosures was alone the foundation of the revolt.[3]

[1] Lord Chief Justice Montague, writing to the Council in 1618 concerning a case of disputed common right in Bedfordshire, says the commoners 'are stirred up by others, as were the levellers in Northamptonshire' (*Cal. S. P., Dom.*, James I. vol. ix. p. 532). An undated paper, entered in the Calendar under the date 1635, but referring, I suspect, to the inclosure grievances of 1607, expresses the fear that 'nowe there ys a pacificacion had of theys trobles' and it is known who threw down the inclosures and who gave encouragement thereto, there will grow private revenges, 'and specially by the better sorte and by those that be in authoritie' (*S. P., Dom.*, Charles I. vol. 307, no. 2).

[2] Edmund Howes, in his additions to the 1615 edition of Stow's *Annals* (p. 889), says that wheresoever the rioters came 'they were generally relieved by the neer inhabitants, who sent them not only many cartes laden with victuall, but also good store of spades and shovells for speedy performance of their present enterprize.' The sympathy shown by the citizens of Leicester aroused the resentment of the Earl of Huntingdon, lord-lieutenant of the county, a resentment which cost the town and its chief dignitaries a considerable sum of money and much annoyance. By the earl's command a gibbet had been set up in Leicester to deter the people from assembling. This was torn down by the mob, which drew from the earl an angry letter, June 10, 1607 (*Hist. MSS. Comm.* viii. i. 434). The mayor and a Mr. Robert Erick were imprisoned, and the corporation, anxious to appease the earl's wrath, sent a present of a gelding to the younger countess of Huntingdon, which she refused (Nichols, *Leicestershire*, I. i. 420).

[3] This appears from the petition of 'The Diggers of Warwickshire to all other Diggers,' which very likely dates from these troubles. They complain of the 'incroaching Tirants,' who grind the poor, 'so y^t they may dwell by themselves in y^e midst of theyr heards of fatt weathers . . . onely for theyr owne private gaine. . . . They have depopulated and overthrowne whole townes and made thereof sheep pastures.' It is better to die manfully than 'to be pined to death for want of y^t w^ch those devouring encroachers do serve theyr fatt hogges and sheep withall.' Signed, 'poore Delvers and Daylabourers for y^e good of y^e Comonwealth till death' (printed in *Wit and Wisdom*, ed. Halliwell, New Shaksp. Soc., pp. 140–1). Another of the popular protests circulated at the time against inclosures is referred to in a letter of July 27, 1607, from Sir Wm. Pelham to the Earl of Rutland, inclosing a copy of a libel thrown into the parish church at Caistor (Northamptonshire), entitled 'The Poor Man's Friend and the

The rioters told the justices of the peace that their rising was not against the king, 'but only for reformation of those late inclosures, w^ch^ made them of y^e^ porest sorte reddy to pyne for want.'[1] Their desperation is the more comprehensible since 'it had beene credible reported unto them by many that of very late yeeres, there were 340 Townes decayed and depopulated' by inclosing.[2]

The first warning of trouble must have reached London towards the end of April 1607, for on the 30th the Earl of Shrewsbury was writing from Whitehall for the prevention of possible disturbances in Derbyshire.[3] The first actual rising, however, seems to have taken place in Northamptonshire on May eve, and thence to have spread into Warwickshire and Leicestershire. Neighbouring counties may have been somewhat affected. This was at any rate the case in Bedfordshire.[4] We hear of assemblies of 3,000 people at Hillmorton, in Warwickshire, of 5,000 at Cotesbach, in Leicestershire,[5] and Rushton, Pightesley,[6] and Haselbeech[7] in Northamptonshire, are named among the places

Gentleman's Plague,' and beginning, 'You gentlemen that rack your rents and throwe downe land for corne' (*Hist. MSS. Comm., Rutland MSS.* i. 406).

The officers of the Crown who advocated the inclosure of forests and wastes explained that the 'insurrection made against inclosures in Northamptonshire cannot be induced as a precedent,' since that was against depopulators who sought their own gain by 'expelling men out of their dwellings and converting tillage to pasture.' Their plan, on the contrary, was 'to people places now unpeopled' ('An Account of the Benefits from the Inclosing and Improving the Forests, &c., belonging to the Crown,' printed in St. John, *Observations on Land Revenue of the Crown*, App. iii., probably from Sir Julius Cæsar's papers).

[1] Letter of the Earl of Shrewsbury to the Earl of Kent, June 2, 1607 (*Lansdowne MSS.* vol. 90, f. 23), printed in Appendix II. no. 1.

[2] Howes, in Stow's *Annals*, ed. 1615, p. 889. He adds that many thought the cause of the rising was religion, either 'the Puritane faction to enforce their pretended reformation,' or the Papists to obtain toleration, but on examination it proved to be solely on account of inclosures and to prevent depopulation. The Earl of Kent mentions reports of 'popish priests' leaving the rebels. (See Appendix II. no. 2.)

[3] *Hist. MSS. Comm.* xii. iv., *Rutland MSS.* i. 405.

[4] Letter of June 20, printed in Appendix II., no. 3.

[5] Stow, *Annals*, ed. 1615, p. 889.

[6] For Rushton and Pightesley see Bridges, *Hist. of Northamptonshire*, ii. 206.

[7] P. R. O., Petty Bag Depopulation Returns, Inq. for Northamptonshire,

visited by the levellers. The local authorities contented themselves with persuasion, but it was soon apparent to the government that stronger weapons must be employed to quell the tumults. On May 30, therefore, a royal proclamation was issued, bidding the use of force of arms,[1] and sharp orders were sent down by the Council to various counties.[2] The gentlemen, finding 'great backwardness in the trained bands,' now bestirred themselves. One of their encounters with the rioters is reported from Newton, in Northamptonshire, where a body of mounted gentlemen with their servants dispersed a thousand levellers, killing some forty or fifty of the poorly armed rustics.[3] The peasants had found a leader, whom they

1607. At Haselbeech the whole lordship had been inclosed; out of 40 yardlands but two were left in tillage and four highways had been closed. One en of the town was stopped by Wm. Saunders till 'it was throwne down by those that made the late insurrection.'

[1] The repressing of the riots 'we did first referre onely to the due course of Justice, and the ordinary proceedings of the Commissioners of the Peace, and other our Ministers in such cases: Forasmuch as wee have perceived since, that lenitie hath bred in them, rather encouragement then obedience, and that they have presumed to gather themselves in greater multitudes, as well in that County (Northamptonshire) as in some others adjoyning, we finde it now very necessary to use sharper remedies.' All officers are therefore commanded, if such assemblies continue, 'immediately to suppresse them by whatsoever meanes they may, be it by force of Armes, if admonitions and other lawfull meanes doe not serve to reduce them to their dueties.'

[2] The Council to the Deputy Lieutenants of Leicestershire, May 29, 1607; order to suppress unlawful assemblies against inclosures (*Hist. MSS. Comm.* xii. iv., *Rutland MSS.* i. 405). The same to the Earl of Shrewsbury, Lord-Lieutenant of Derbyshire, June 8 (*ibid.*). The same to Lord Berkeley, Lord-Lieutenant of Gloucestershire, June 8. If there should be any inclosure riots there, he is to use forcible means to suppress them (*Hist. MSS. Comm.* iv. i., *MSS. of Lord Fitzhardinge*, p. 367).

[3] Letter of June 11, 1607, from the Earl of Shrewsbury to Sir John Manners: 'S[r] Anth. Mildmay and S[r] Edw. Montacute repaired to Newton, Mr. Thos. Tresham's toune, wheare 1000 of thease fellowes who term themselves levelers weare busily digging, but weare furnished with many halfe pykes, pyked staves, long bills, and bowes and arrowes and stoanes. Thease gentlemen, fynding great backwardnes in the trained bandes, weare constrained to use all the horse they could make, and as many foote of their owne servants and fellowes as they could trust; and first read the proclamation twice unto them, using all the best perswasions to them to desist that they could devise; but when nothing would prevaile, they charged them thoroughlie both with their horse and foote. But the first charge they stoode, and fought desperatelie; but at the second charge they ran away, in which there weare slaine som 40 or 50 of them, and a very great number

called Captain Pouch,[1] one of those curious figures who frequently emerged in English popular uprisings, but his magic pouch and his claim of divine inspiration availed nothing against the energetic methods of suppression now taken, as the proclamation of June 28 asserts, both 'by martiall execution and civill justice.' In this characteristically wordy proclamation the king, declaring that 'the sayd Inclosures (lawfull or unlawfull) were all or the most part made before we had taken the scepter of this government into our possession,' washed his hands 'from the tolleration of these grievances' and promised reform. He announced that he had already assembled the judges to discover inclosure offenders and 'to consider how farre they may be touched in law, and in what course, and accordingly to proceed against them with all severitie.'[2] Another proclamation of July 24 granted a pardon to such as should acknowledge their offence.[3] By the middle of June the Council was sending for the chief inclosers[4] and shortly thereafter took into advisement the question of remedy or at least of appeasement. We have a memorandum on the subject[5] presented for their consideration, proposing measures which should steer a happy middle course,

hurt' (printed in Lodge, *Illustrations*, iii. 196, and Nichols, *Leicestershire*, iv. i. 83). A parish register entry by Thos. Cox, rector of Addington Magna, dates this skirmish at June 8. He says 'many were taken prisoners, who afterwards were hanged and quartered, and their quarters set up at Northampton, Oundle, Thrapston, and other places' (Bridges, *Northamptonshire*, ii. 206).

[1] This leader, John Reynoldes, was surnamed Captain Pouch, 'because of a great leather powch which he wore by his side, in which purse hee affirmed to his company, y^t^ there was sufficient matter to defend them against all commers, but afterward when hee was apprehended, his Powch was seearched and therein was onely a peece of greene cheese. Hee told them also, that hee had Authoritie from his maiestie to throwe downe enclosures, and that he was sent of God to satisfie all degrees whatsoever, and that in this present worke, hee was directed by the lord of Heaven' (Howes, in Stow's *Annals*, p. 889).

[2] Barker, *Book of Proclamations*, p. 140 (*Rot. Pat.* 5 *Jac. I.* p. 18).

[3] *Ibid.* p. 146 (*Rot. Pat.* 5 *Jac. I.* p. 11).

[4] See Appendix II. nos. 3, 4.

[5] 'A consideration of the cause in question before the Lords touchinge depopulation' (July 5, 1607), *Cotton MSS.*, Titus F. iv. 322–3, and a similar document, Faustina C. ii. 165. The 'Consideration' has been printed in Cunningham, *Engl. Industry and Commerce*, 3rd ed. II. ii. App. B, pp. 897–9.

on the one hand offering no hindrance to the gentlemen in their desire for a laudable agricultural improvement and yet on the other hand preventing depopulation, which the author of this 'Consideration' attributed rather to farm engrossing than to inclosure. One of the means propounded to secure this desirable end was a limitation in the number and size of farmholds held by any single individual, a revival of the policy of the Act of 1534,[1] combined with a limitation of demesne land. The alternative scheme was the permanent preservation of the then existing state of things to be ascertained by a minute agricultural survey of the country, or at least of the champion, *i.e.* open field counties. The Council fell, however, upon the familiar and easier expedient of a commission to investigate, and accordingly, in August 1607, the royal promise of redress was kept so far as to send out commissions of inquiry to the midland counties.[2] There was apparently some little effort to follow up the work of the commissioners by a prosecution of the offenders,[3] a prosecution largely stimulated, we suspect, by a desire to levy contributions in the way of commutations for the benefit of the Exchequer. But by a resolution of the judges in Trinity term, 5 James I., it was declared that the commission, despite the legal advice which James claimed he had sought, was not made out in valid form and that the laboriously

[1] 25 Hen. VIII. c. 13, no person to keep more than 2,000 sheep or hold in farm more than two houses of husbandry, and not two unless resident in the parish. A similar measure was under discussion in March 1549 (*Egerton Papers*, p. 11. Camden Soc.)

[2] *Rot. Pat.* 5 *Jac. I.* p. 26.

[3] Sir Edward Coke was active in these proceedings; see *Cal. S. P., Dom.*, James I. vol. viii. pp. 373, 541. Bonds were taken from the depopulators (*ibid.* pp. 483, 545), and some inclosures were ordered down. Edward, Lord Zouche, writing probably to Sir Edward Montague, deplores that 'poor Boughton's enclosures must also go down' (*Hist. MSS. Comm., MSS. of Lord Montague*, p. 85). I could find among the legal records but little trace of proceedings growing out of the activity of these commissioners of 1607. There are two folios containing fifteen orders of the depopulation commissioners for the rebuilding of houses of husbandry in Northamptonshire, together with assize presentments concerning the same. Eight of these orders are certified as having been performed, the new-built farmhouses having thirty to fifty acres each (P. R. O., *Misc. of the Exchcq.* 17/8).

collected returns were therefore 'against law.'[1] Before long we discover the country gentlemen proceeding with their inclosures in the centre of the disaffected district as unabashed as ever.[2]

II

The rising of 1607, weak and ineffective as it was, produced one tangible result for which the modern student must be grateful. The influence of the landed classes, the real governing element in the country, was sufficient during the whole period to render nugatory all efforts of the central government at reform of a grievance so generally deplored. But they could not prevent the gathering of information which throws a valuable light on the progress of a great economic change. Armed with their worthless mandate the commissioners of 1607 managed to collect a considerable mass of material, most of which has come down to us intact. They were sent to seven counties—to Northamptonshire, Warwickshire, Leicestershire, Huntingdonshire, Bedfordshire, Buckinghamshire, and the three divisions of Lincolnshire. The commission was dated August 27, and it directed that the returns be certified into Chancery at the latest by the following October 20. No time was lost in getting to work. By September 8 the commissioners were hearing the evidence

[1] 'The Commissioners took many presentments in English, and did return them into the Chancery; and after (*scil.* Trin. 5 Jac.) it was resolved by the two Chief Justices, and by Walmsley, Fenner, Yelverton, Williams, Snigg, Altham, and Forster, that the said commissions were against law for three causes: 1. Fo this, that they were in English. 2. For that the offences enquirable were noc certain within the commission itself, but in a schedule annexed to it. 3. For this, that it was only to enquire, which is against law, for by this a man may be unjustly accused by perjury, and he shall not have any remedy. 4. For this, that it is not within the statute of 5 Eliz., &c. Also the party may be defamed, and shall not have any traverse to it' (Coke, *Rep.* xii. 31).

[2] Letter of August 12, 1608: 'For an example of my own knowledge within less than a quarter of a mile of Holdenby House one great enclosure made since the late Stir, by one Mr. Saunders with Mr. Dyves and Mr. St. John in the Parish of East Haddon.' This and other inclosures, the letter says, was causing discontent among the meaner sort of people (*S. P., Dom.*, James I. vol. xxxv. p. 52, printed in Emily S. Hartshorne's *Memorials of Holdenby*, 1868, p. civ).

of the local juries in Buckinghamshire and Warwickshire. The returns from Bedfordshire and Northamptonshire are dated September 14; Huntingdonshire follows on the 18th, and Leicestershire on the 27th. We are told of the Leicestershire commissioners that they were proceeding 'so precisely that they take the oaths of the minister and two of the substantiallest men in every town for any particular which occurs to the commission; and in Northampton the commissioners have already sitten twelve days, and have not yet ended.'[1] This statement, though somewhat incorrect as to the procedure of the commissioners, nevertheless throws light on their activity. Six of these county returns which they duly certified into Chancery have been preserved, some of them, especially those for Bedfordshire and Warwickshire, imperfect from exposure to damp, but in the main not too seriously damaged for use. That for Northamptonshire is the fullest and best, perhaps because of the zeal of the same Sir Edward Montague who presented the petition of 1604 and was now one of the chief members of the commission for his county. The returns for Lincolnshire, though doubtless made, are now missing.[2]

To the commission was annexed a schedule of articles of inquiry. The first of these directs that inquiry be made of 'towns, villages, churches, hamletts, boroughs, parishes, dwelling-houses, farmes or farm-houses, families, ploughs or tenancies' decayed or depopulated since the twentieth year of Queen Elizabeth, by whom such decays have been committed and in whose hands such properties now are, and how

[1] Letter from Sir John Harpur to the Earl of Shrewsbury, September 25, 1607 (printed in Nichols, *Leicestershire*, III. ii. 563, n. 1). Notice of the sitting of the commission in Northampton, September 14, is found in a letter from Thos., Earl of Exeter, to Sir Edw. Montague (*Hist. MSS. Comm.*, *MSS. of Lord Montague*, p. 50).

[2] That the commissioners for Lincolnshire sat at Spalding early in September we learn from a chance note at the end of a survey of the manor of Sutton, Lincolnshire: '9 Sept., 1607. Memorand that one of the tenants being at Spalding y^e^ day befor the Commissioners for inclosures meeting me on the way y^e^ next day did acknowledge that the medow and pasture at Sutton was worth xiii^s^ iiii^d^ the acre, the arrable viii^s^' (P. R. O., *Land Revenue Misc. Books*, vol. 211, f. 92).

many persons were thereby maintained before the depopulation. The second point of inquiry was as to the conversions of arable land to pasture 'by means of unlawful inclosure or otherwise, when and by whom, and in whose hands the same now be.' The third article deals with lands which have been 'devided, severed and taken awaye by any demyse or any other means from farme houses, tenauncies or other howses leaving to the same little or noe groundes at all whereby to releive and succour those that inhabitt the same.' A similar severance of land with the same constructive decay of a farm-house occurs again in connection with the article on farm-engrossing (Article 5): 'to inquire of such as keepe in their handes diverse severall farmes or occupyings and doe occupie the groundes themselves and sett poore men or others into the dwelling houses or else lett them stande voyde.' The remaining three articles are concerned with the decay of barns and outhouses, displacing of tenants, and the closing of highways.

That the commissioners were sent only to the midlands need be no matter for surprise. Not only had this been the scene of the recent disturbance, but it was also the section of England afflicted more than others by the evils just recited in the articles of inquiry. The Inquisition of 1517 had revealed the prominence of the midlands in inclosing activity. It was here that the commissioners of 1548 began their abortive investigation, and there is no reason to suppose that in the interval before 1607 the centre of the disquieting agricultural change had shifted. Buckinghamshire and Leicestershire had demanded an inclosure inquiry in 1566, and almost a century later a writer is still recounting his 'woful experience' of inclosures in the county of Leicester. 'Most of the inland counties,' he adds, 'can witness with me.'[1] But it is certainly somewhat surprising that within this region some counties were passed over in the assignment of commissioners. Oxfordshire, for instance, had stood in 1517 only second to Northamptonshire in the acreage affected by the

[1] John Moore, *The Crying Sin of England*, 1653, p. 13.

inclosure movement, while the examinations of the would-be rebels in 1596 revealed the continuance of inclosure in this county. Besides the omitted midland counties there are others, included in the returns of 1517, where it is equally certain that inclosing activity, though probably less marked than in the inland districts, was still persisting. Norfolk, we know, returned in the Inquisition of Depopulation of 1517 a large acreage, and under Elizabeth it had sent up a bitter petition which, though mainly directed against the encroachments of the lords of the soil upon the commons, shows that the grievance against the depopulator and the incloser still had reason for existence.[1] Lincolnshire, as has been seen, was included in the inquiry of 1607, and, along with other counties outside the midlands as well as within, furnished its quota of offenders to be mulcted by the commission of 1636. Inclosure disturbances had been feared from Gloucestershire and Derbyshire at the time of the outbreak of 1607, and scattered bits of evidence could be adduced from Star Chamber proceedings and similar sources to show the continuance of inclosure agitation here and in neighbouring counties, such as Staffordshire, Nottinghamshire, Yorkshire, and others. It seems probable, indeed, that the sixteenth century witnessed a gradual extension of the inclosure movement towards the north. The evils of inclosures and high gressoms, resented by the northern rebels of 1536, were the subject of a paragraph in the instructions to the Lord President and Council of the North under Edward VI.,[2]

[1] In this petition complaint is made that gentlemen have 'enlarged ther parks and made gret Inclosures not only upon ther corne londs but upon the common wherein yo^r seyd pore subjects were wonte to shak and fede there w^e ther catell,' and also that lords of manors have purchased freeholds and gotten possession of copyholds and then in sundry towns have 'decayed the houses of the seyd mesuages and tenements.'

[2] 'Further, his highness pleasure is, that the said lord president and council shall from time to time make diligent inquisition of the wrongful taking in and inclosing of commons and other grounds, and who be extreme therein; and in taking and exacting of unreasonable fines and gressoms, and overing or raising of rents; and to call the parties that have so evil used themselves therein before them; and leaving all respects and affections apart, they shall take such order for the redress of enormities used in the same, as the poor people be not

were frequently noted in the second half of the century in connection with the decline of the Border military service, and at the time of the inclosure legislation of 1597 evoked the sympathetic remonstrance of the Durham churchmen.[1] But the progress of the movement outside a few midland counties was ignored by the government, which probably felt that it would be incurring odium enough by the limited investigation which the revolt had forced upon it. We must operate, therefore, as best we can with our restricted material.

Before attempting a brief summary of the statistical results which this material yields we must face some of the doubts and difficulties which meet us at the threshold and cannot be lightly conjured away. From the nature of the evidence we are aware in advance that our columns of figures must present but a delusive appearance of completeness and exactness. There are the omissions due to the damaged condition of the documents. These, however, are not considerable. But what are we to say about omissions due to other corruptions than those of time and damp? What assurance have we that all or nearly all of the inclosures during nearly thirty years in these six counties were actually presented by the local witnesses to the commissioners? The

oppressed; but that they may live after their sorts and qualities' (printed in Burnet, *Hist. of the Reformation*, ed. Pocock, v. 339). See also the instructions of 1557, 1568, and 1574 to the Council of the North for the suppression of 'the unlawful taking in of commons,' and the decay of houses and tillage (*S. P., Dom.*, Eliz. vol. vi. pp. 465, vii. pp. 64, 462). An inquiry into the state of Borders in 1578–80 (*Cal. of Border Papers*, i. 47, 50, 74) led to the Act of 1581 (23 Eliz. c. 4) which testifies to the conversion of tillage to pasture. A new bill drafted about 1596 recurs to the same fact. But in the returns of the commissioners appointed under the Act other causes for the decrease of tenants properly equipped for Border service appear of more importance. Of the extension of pasture farming in the North there can, however, be no question.

[1] The Dean of Durham exaggerates after the fashion of the time in stating that 500 ploughs were decayed and 'of 8,000 acres lately in tillage now not eightscore are tilled' (*Cal. S. P., Dom.*, Eliz. vol. iv. pp. 347, 542), but for an instance of thorough depopulation note the case of Newham, whence there were 'expelled seaventene score men, women, and children all upon one day' (Bateson, *Northumberland*, I. 275). The Bishop of Durham was at the same time urging on Lord Burghley the revival of the tillage statutes (*Hist. MSS. Comm., Lord Salisbury's MSS.* vii. 453).

answer to this question, unhappily for the equanimity of the historical statistician, cannot be definite and convincing. The estimate of leakage here must remain a matter of opinion, and perhaps of widely divergent opinion. Contemporary comment at once recurs to us—and evidence from various sources could easily be accumulated to the same effect—which goes to show the frequent venality and untrustworthiness of the local juries of the period, the intimidation of jurors and witnesses by powerful local magnates, and the partiality of judges and even of royal commissioners. Specific instances of such influence in connection with the work of royal commissioners, as distinguished from merely general statements of the abuses of justice and the jury system under the shadow of the governing landed class, are, from the nature of the case, not abundant, but even a few cases will illustrate the point. At the time of the commission of 1517 not even Wolsey's zeal and the fear of his masterful rule were sufficient to check these practices. Nicholas Eustace, constable of Ascot, in Oxfordshire, together with three husbandmen, complained to the Court of Requests that because of their presenting before the inclosure commissioners the inclosures and decays in that town, Robert Dormer, their landlord, and John Wilmot, his farmer, have warned them 'after right haut and cruell maner . . . to avoyde theyr fermes and tennanteryes to their undoings.'[1] About the same period Wolsey was sending commissioners to Bungay, in Suffolk, to examine into a case of eviction charged in the Star Chamber against the bailiff of the town. The commissioners wrote to the Cardinal that the bailiff, backed by the steward of the Duke of Norfolk, refused utterly to make any answer, since 'it was my lord his maister is pleasure that we shuld not medyll,' wherefore, add the Crown officials, 'we myght no farther procede to thexamynacon of those maters.'[2] A few years later George Marbury of Upton, Huntingdonshire, complains vehemently against the wealthy and influential Richard Sapcotes that he can obtain

[1] P. R. O., *Court of Requests, Proceedings*, 8/256.
[2] P. R. O., *Star Chamber Proceedings*, Henry VIII. 34/29.

no justice, since Sapcotes 'reteyneth so many lerned men of his counsaill and maketh such friends,' while when the king's steward, supported by the sheriff, brought the case before a local jury, the jurymen, being all Sapcotes's tenants, 'sayde wherefore shuld they fynde or presente the same'? Wolsey sent down commissioners, but they neglected to make any return, and Sapcotes 'still oppresses,' and threatens to 'make yo^r said subject a begger.'[1] Thomas Vachell reports about 1534 to Cromwell that he went to Oxford to obtain a presentment for the king 'of suche landes and tenements as arne decayed inclosed wythin the seyd countie and convertid and turned to pasture,' and that it was only by the efforts of one of the jury who 'canvassed' his fellows with Cromwell's letter that 'they have sumwhat made a presentment or ells I reken they wolde have presented nothyng for the kyng ther wasse so grete laber made to the contrary.'[2] The difficulties of this kind encountered by the Inclosure Commission of 1548 are well known from John Hales's account. 'Somme,' he says, 'founde the means to have ther seruantes sworne in the Juryes, to thyntent to haue them hasarde ther soules to saue ther gredynes . . . it is not possible in any of the Shires wher we were to make a Jurye without them, suche is the multitude of Reteynours and hangers on. . . . Somme poore men wer thretened to be put from ther holdes if they presented . . . . Somme also wer indicted because they presented the truthe.'[3] The continuance of the contemporary castigation of the perjury of witnesses and the embracery of juries[4]

[1] P. R. O., *Star Chamber Proceedings*, Henry VIII. bdle. 28, no. 65.

[2] P. R. O., *S. P.*, Hen. VIII. vol. 87, f. 46. Latimer writes to Cromwell about the same time, 'yf commyssioners were allweys as mindfull to further the kyngs busynes as they be to avaunce ther owne profetts . . . butt I wene yf you myght make progresse thorow ought England you shulde fynd how actts declarith hartts' (*ibid.* vol. 83, f. 193).

[3] Introd. to *Discourse*, ed. Lamond, p. lix.

[4] See, for example, Lambard, *Archeion*, 1591, ed. 1635, pp. 83-4, 190, 198, 202-3. A proclamation was issued in 1607 against the abuses of juries (Barker, *Book of Proclamations*, p. 157). Powell, in 1636, complains of 'the litigious Countryman,' who provides for a trial at the assizes by preparing, 'as the too common proverb is, *horresco referens*, good swearers, that may cleave a prune, and so by horrid perjury outstrip God' (*Depopulation Arraigned*, p. 63).

gives little room for hope that the conditions described by Hales had materially altered by 1607.

Some allowance must, therefore, be made for the suppression of truth by juries fearful of their landlords or even by commissioners anxious to screen their friends. But though such a reservation must be granted distrust and scepticism need not be carried to an extreme. The fact remains that in the teeth of all obstacles the royal commissioners succeeded in returning presentments against a goodly number of the larger and powerful landowners. It was the very effectiveness of these inquisitions, not perhaps so much in their actual as in their dreaded results and in their exposures, which excited the bitter opposition of the country gentlemen. An impolitic zeal in promoting such awkward inquiries contributed in no small measure to the fall of two such masterful statesmen as Wolsey and Somerset. It is significant, furthermore, that the juries did not always conceal, though they occasionally may have palliated, the offences of the inclosure commissioners themselves, or of their fellow jurymen.[1] On the whole I incline to the possibly too optimistic view that what was withheld formed but a fraction, probably not insignificant, but not so very large, of what was actually declared and recorded. In any case a statistical estimate of the *suppressio veri* in the inquisitions would be pure guess-work and wholly inadmissible. With all their inadequacies on

[1] In the 1607 Inquisition for Bedfordshire two of the commissioners, Henry, Earl of Kent, and Sir Richard Conquest, were presented for depopulation. The son of the commissioner, Sir Edward Montague, was presented in Northamptonshire for a considerable inclosure at Hanging Houghton. Sir Oliver Cromwell, one of the commissioners for Huntingdonshire, was presented for an inclosure at Sawtrey. There are a number of presentments of jurymen; for instance, in Northamptonshire at Arthingworth of five yardlands inclosed two were in the occupation of William Malyn, a juror, 'havinge noe more in his occupation;' at the inclosure of Haselbeech three jurymen were implicated; at Kislingbury Wm. Crane the elder was presented by Wm. Crane junior as responsible for the decay of a house, but two cottiers, it was added, were placed in the house 'before he came to it.' The Lincolnshire returns of 1517 show two of the commissioners presented for inclosures, but in both cases the addition is made that there is 'no howse or beilding desolate nor in dekey by reason of the said enclosure' (*Domesday of Inclosures*, pp. 248, 251).

this score also the returns must be tabulated as they stand.

We are not, unfortunately, at an end of doubts and perplexities, but rather, when the statistical tabulation is once undertaken, at the beginning of them. An elucidation of the minor difficulties of interpretation, however, would be out of place severed from the text of the returns and may here be passed over. But uninviting as the subject is, there is one question of a rather technical nature, which is vital not merely to the tabulation of our results but to the understanding of the character of the whole movement we are studying. Some discussion of it cannot well be avoided. It is clear that in the agrarian changes of the time various factors were co-operating, or at least acting concurrently. Some elements in the problem, such as rent-raising and questions of tenure, may for the present be left out of consideration. So far as inclosure itself is concerned, a distinction must be made between the inclosure of the common fields and that of the commonable pastures and wastes; a few words will suffice to indicate the relatively unimportant place of the latter in the Inquisition. Furthermore, the engrossing of farms was a feature of the movement upon which stress must be laid; the writer of the 'Consideration' of 1607 insists, indeed, that the evil is not inclosure *per se* but farm-engrossing. It is this distinction and its application to the large number of entries of 'severed land' which creates some difficulty.

First, as to the commons. The inclosure of common pastureland was not so exasperating, so vital a matter, at least in the midlands, as the inclosure of the open or common fields. Nevertheless the legal records exhibit the struggle over the commons proceeding continuously over all parts of England. This struggle, with varying intensity, had been going on for centuries, but little special legislation was deemed necessary for their protection. The statute of Merton was renewed under Edward VI., and this was considered enough. Though this inclosure of commons was doubtless adding its quota to the agrarian

suffering and unrest of the time, no inquiry was instituted on their behalf during a period when so many essays in legislation and legal prosecution were undertaken to shield the open fields. Inclosure of pasture and waste is not mentioned in the articles of inquiry of 1607, but the juries occasionally presented it, and a certain number of cases are therefore found in the returns. These and other cases of mere inclosure, as, for instance, of parks, we may tabulate readily under the heading 'acreage inclosed.'

Depopulating inclosure of open fields was itself, however, a complex process. The articles of inquiry note separately the various operations ordinarily combined in this process—the decay of the farmhouse, the inclosure and conversion to pasture of its land, the severance of this land from the house when the house is left standing, the engrossing of farmholds, the displacement of tenants. A study of the returns of 1607 shows that some of these operations, usually united, were in fact occasionally executed separately. When land in the open field, for example, was withdrawn from the customary husbandry and laid down to grass for sheep pasture, it was as a rule, and it would seem necessarily, inclosed. But the Inquisition shows several cases of conversion of arable to pasture without inclosure as at Rushton,[1] or as at Stapleford[2] where the land so converted was apparently still lying in open field. At Tilsworth, Bedfordshire, we find a son inclosing what his father had previously converted. Such cases, of course, like the normal entry where all the stages are explicitly stated, may be classified without difficulty under the head of 'acreage converted.' But what shall be done with the large number of cases where neither inclosure nor conversion to pasture is stated, which present only the decay of the farmhouse or only the severance of its appurtenant acreage with the constructive decay of the house, as described in the third article of inquiry? This difficulty

[1] At Ruston, Northamptonshire, 'the said Sir Thomas Tressam hath converted from tillage to pasture and not inclosed 28 acres about six years last past.'

[2] Sir Philip Sherrard is presented for converting 80 acres, a part whereof lies inclosed 'and the residue lyeinge in common in the oppen feilde.'

arose likewise in interpreting and classifying the returns of 1517, and has already been the subject of a discussion before the Society.

In his edition of the 'Inquisition of 1517' Mr. Leadam undertook to solve the difficulty by assuming with the decay an accompanying but unexpressed inclosure, and on this assumption treated these entries as cases of inclosure of open field for an improved arable husbandry. This, however, does not appear an adequate solution of the problem, since it runs counter to the contemporary conception of the nature of the inclosure movement, as expressed not only in the literature of the time but unequivocally in the husbandry statutes and in the articles of inquiry under which the commissioners of 1517 were working. It has the further defect of creating a series of fresh difficulties of interpretation. In criticising this view I suggested that two other solutions would appear to accord more nearly with the facts.[1] We might, in the first place, accept the statement of the troublesome entries without adding any assumption whatever, inferring only a probable engrossing of open-field holdings. Or, in the second place, we may assume not only inclosure but also conversion to pasture as implicit in the presentment. The decay of a mese with 20 acres of land was the only statutable offence; mention of inclosure and conversion was, therefore, not essential to a valid presentment, and the statement of these usually accompanying operations might have been omitted even though present in fact. The statutes and articles of inquiry apparently knew of no other kind of decay than that associated with sheep-farming inclosure. Consequently when it was found that in the subsequent legal proceedings, based upon the returns of 1517, both the law officers of the Crown and the defendants were treating such entries of bare decay as implying inclosure and conversion, the second interpretation seemed not only permissible but necessary. But the new light thrown on this disputable point by the inquisition of 1607 may necessitate

[1] *Trans. R. H. S.* xiv. 290.

a separate tabulation of these entries. It seems likely that we must to some extent fall back, not on the unsatisfactory hypothesis of inclosure for an improved arable husbandry, though doubtless there were some instances of such inclosure, but on our first and simplest proposal, accepting a certain indeterminable proportion of the entries as cases of mere decay, the system of land management remaining unchanged, as it was before the severance.

There are a few entries in the 1607 returns pointing towards this conclusion which at any rate suggest that decays of farmhouses could and did take place without disturbing the traditional husbandry—that is, without any accompanying inclosure and conversion. Take the case of Ashley, in Northamptonshire. Here there are two presentments. William Stricte severs six yardlands from a manorhouse, puts a widow in the house, a labourer in the kitchen, and a weaver in the barn, while he lets the land to two tenants. Such entries as this, giving no further information as to the agricultural disposition of the severed land, are frequent. The other presentment at Ashley is, however, somewhat more explicit. George Kilton takes from a farmhouse two and a half yardlands (30 acres), and puts a labourer in the house, who has but 'one acre of land in every field.' Here the open fields are evidently still in existence, but it is nevertheless possible the thirty acres were inclosed and converted. At Milton (Northamptonshire) is another suspicious case. The presentment is of a farmhouse decayed. It has some old inclosed land and one and a half yardlands in the open fields. Both parcels are taken away and leased separately to two sets of tenants, three lessees taking a half-yardland apiece. This looks rather like a severance with a continuation of open-field husbandry.

As has been already stated, contemporaries of the earlier inquisition of 1517 seem clearly to have seen in an entry of a decayed house of husbandry the whole process of which such decay was normally the result. But perhaps their inference was somewhat too sweeping. In some of these cases there was probably no inclosure, no conversion, but simply an

engrossing of holdings with no radical change in the old system of agriculture. Certain comparisons between the figures of the two inquisitions seem to confirm this conjecture. If the acreage of the class of entries in question be tabulated simply as 'acreage severed,' we find that with one exception the county returns from the inquisitions of 1517 and 1607 agree in the relative proportions of 'acreage severed' and 'acreage converted.' In Warwickshire, Leicestershire, and Buckinghamshire the acreage converted exceeds the acreage severed at both periods; in Bedfordshire, however, both inquisitions coincide in giving a large preponderance to acreage severed. Buckinghamshire affords also an interesting comparison within its own borders. The northern half of the county contrasts in the returns with the southern hundreds, the 'Vale' with the 'Chilterns.' In both returns acreage converted is the rule in the north, while in the south there is in both an even greater preponderance of acreage severed.[1] These coincidences can hardly be fortuitous; they go far to support the impression that underneath the difference in the form of the presentment there lies at times some real difference in fact, corresponding to certain peculiarities in the character of the agricultural change in certain counties. It is noticeable also in this connection that while in the earlier inclosure legislation decay of farmhouses and conversion to pasture are closely linked, in Elizabeth's last husbandry statutes these offences are dealt with in two separate Acts. In these circumstances it will be advisable to add permanently to the captions 'acreage inclosed' and 'acreage converted,' the third, 'acreage severed.' It is a regrettably wide and inclusive term;

[1]

Buckinghamshire	Northern hundreds		Southern hundreds	
——	A. conv.	A. sev.	A. conv.	A. sev.
Acreage . . . 1517	5,567	1,368	512	1,549
,, . . . 1607	2,742	1,294	790	1,671
Percentages . . 1517	75·58	18·67	20·89	77·95
,, . . . 1607	62·74	33·37	29·19	70·07

it embraces the severance and farm-engrossing both in the old inclosed districts and in the open-field country without distinction; it contains, doubtless, much which with better information would have been entered in the column of acreage converted, but it has the conclusive advantage that it forces no interpretation upon the record. The tabulation which, after these necessary introductory warnings and explanations, is herewith presented will attempt with a minimum of inference to render in figures what is so translatable in the returns. It deals with acreages inclosed, converted (and inclosed), and severed, with houses decayed actually or constructively, with places affected by the movement and with the number of persons reported as displaced. The status of the offenders inclosing or depopulating is not satisfactorily determinable from the returns and will be here passed over.

In this table the results from the inquisitions of 1517 and 1607 are placed side by side for comparison. Both covered practically the same retrospective period, the earlier one the thirty-two years from 1485 to 1517 and the later the thirty years from 1578. But while they are nearly equal in their time span they are not well matched in respect to the area covered. The inquisition of 1517 is represented in the table by twenty-two counties, that of 1607 by but six. The former, however, lacks in its midland group the Huntingdonshire returns, which are present in 1607, while in the latter, as has already been pointed out, several midland counties are missing which were reported on in 1517.

Of the five midland counties which alone, therefore, are comparable, Northamptonshire yields the largest total acreage in both inquisitions. Its figure is in 1607 almost double that of 1517. This may be due in part to an increase in the volume of inclosing activity, but it may also be partly attributable to the vigilance of the later commissioners in collecting evidence as to severance. Leicestershire and Bedfordshire have more than doubled their earlier totals, but in the case of the latter county the loss of the 1517 return has probably not been wholly made good by the record of

TABLE I.—*Inquisition of* 1517–19 (1485–1517) *Inquisition of* 1607 (1578–1607)

Counties	Total acreage affected	Percentage of total co. area	Acreage inclosed	Acreage converted	Acreage severed	Houses of husbandry decayed	Persons displaced	Number of places	Total acreage affected	Percentage of total co. area	Acreage inclosed	Acreage converted	Acreage severed	Houses of husbandry decayed	Persons displaced	Number of places
I. *Northern.*																
Chester	65	0·01	15	50	—	—	—	5	—	—	—	—	—	—	—	—
York, W.R.	1,837	0·10	1,217	400	220	18	58	28	—	—	—	—	—	—	—	—
York, N.R.	2,503	0·18	752	1,751	—	30	82	28	—	—	—	—	—	—	—	—
York, E.R.	1,384	0·18	230	792	362	31	135	25	—	—	—	—	—	—	—	—
II. *Western.*																
Salop	1,859	0·22	231	1,628	—	23	356	71	—	—	—	—	—	—	—	—
Hereford	1,185	0·22	145	600	440	22	—	18	—	—	—	—	—	—	—	—
Gloucester	3,681	0·46	1,786	1,895	—	49	211	20	—	—	—	—	—	—	—	—
III. *Midland.*																
Stafford	538	0·07	313	145	80	4	15	13	—	—	—	—	—	—	—	—
Derby	620	0·10	40	550	30	18	56	7	—	—	—	—	—	—	—	—
Notts	4,470	0·83	1,056	2,024	1,390	71	188	80	—	—	—	—	—	—	—	—
Warwick	9,694	1·68	1,124	6,022	2,547	207	1,018	70	5,373	0·93	—	4,973	400	88	33	28
Leicester	5,780	1·09	136	4,622	1,022	148	542	49	12,290	2·32	—	9,005	3,285	172	120	70
Rutland	531	0·55	43	145	343	26	—	15	—	—	—	—	—	—	—	—
Northampton	14,081	2·21	960	9,514	3,607	354	1,405	112	27,335	4·30	3,532	10,746	13,056	358	1,444	118
Oxford	11,831	2·47	1,069	5,068	5,694	186	720	107	—	—	—	—	—	—	—	—
Buckingham	9,921	2·08	451	6,079	3,390	172	887	70	7,077	1·48	190	3,532	3,355	80	86	56
Bedford	4,137	1·37	—	984	3,153	89	309	36	10,004	3·32	464	2,852	6,687	122	259	69
Berks	6,392	1·39	264	1,712	4,416	116	588	86	—	—	—	—	—	—	—	—
Middlesex	2,236	1·52	1,196	822	218	12	123	18	—	—	—	—	—	—	—	—
Huntingdon	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Cambridge	1,402	0·25	882	440	80	1	—	8	7,677	3·29	9	3,798	3,870	146	290	52
IV. *Eastern.*																
Lincoln	4,866	0·29	155	2,168	2,543	70	158	63	—	—	—	—	—	—	—	—
Norfolk	9,334	0·71	613	7,672	1,049	70	—	122	—	—	—	—	—	—	—	—
Essex	1,248	0·31	100	920	228	12	38	9	—	—	—	—	—	—	—	—
V. *Southern.*[1]																
Hants	1,035	0·10	269	766	—	8	42	17	—	—	—	—	—	—	—	—
Somerset	660	0·06	374	112	174	8	—	13	—	—	—	—	—	—	—	—
Summary.[2]																
I.	5,789	0·12	2,214	2,993	582	79	275	86	—	—	—	—	—	—	—	—
II.	6,725	0·31	2,162	4,123	440	94	567	109	—	—	—	—	—	—	—	—
III.	71,634	1·16	7,534	38,128	25,971	1,404	5,851	671	—	—	—	—	—	—	—	—
IV.	15,448	0·39	868	10,760	3,820	152	196	194	—	—	—	—	—	—	—	—
V.	1,695	0·08	643	878	174	16	42	30	—	—	—	—	—	—	—	—
Total	101,293	0·53	13,422	56,883	30,987	1,745	6,931	1,090	69,758	2·53	4,196	34,907	30,654	96	2,232	393

[1] Wiltshire, with one entry of a house decayed and one ploughland converted to pasture, is here omitted.
[2] Fractions, here omitted in the county entries, are included in the totals.

legal proceedings based upon it. Buckinghamshire and Warwickshire have fallen behind. The totals for the five counties are greater in 1607 than in 1517, but the difference is mainly due to the marked growth in the severance column, which at the earlier date contributed but 31 per cent. of the total acreage, while by 1607 it had reached 43 per cent.[1]

The acreage affected in 1517 in the twenty-two counties amounted for the thirty-two years to but 0·53 per cent. of the total land area of these counties. For all the midland counties represented in this Inquisition the acreage was 1·15 per cent., while for the five counties returned in both 1517 and 1607 the percentage of acreage returned to the total acreage of the counties was respectively 1·72 per cent. and 2·46 per cent. The comparative insignificance of these amounts leaves margin for a liberal allowance for all possible factors of error and deficiency in the returns, and yet forces us to the general conclusion that the movement was proceeding only gradually and slowly. It was by no means so widespread and devastating as it has often been represented.

While the total acreage inclosed or severed is not large, the number of towns and villages concerned in the movement indicates that at any rate in the midlands the tendency to inclosure on a small scale was general. The total acreage reported in 1607, viz. 69,758 acres, is scattered among 393 places, making an average of 177·5 acres to a place. Excluding Huntingdonshire we have an average of 182 acres, as compared with 129·4 acres, the average per place in 1517 for the five midland counties. A classification of places according to the area affected per place brings out the fact that the smaller inclosures, or severances, those under a hundred acres, form a very large percentage of the total,

—	Acreage converted	Acreage severed	Total acreage	Percentages	
				Converted	Severed
1517 . .	27,222	13,720	43,614	62·41	31·45
1607 . .	31,109	26,784	62,080	50·11	43·14

somewhat larger (58·45 per cent.) in the five midland counties for 1517 than for the same counties at the later period (47·5 per cent.).[1] The number of total and complete clearances reported is very small. Piecemeal inclosures and small farm engrossing was the rule, and these were being effected to a large extent by small landholders and occupiers.

An attempt to determine statistically the progress of the movement in time has to meet some difficulties of its own. It might be expected that in such an inquisition offences of recent standing—perhaps of the last ten or fifteen years—would be better remembered, and consequently more in evidence, than those of an earlier date. On the other hand many of the entries are very loosely dated. Some eleven per cent. are not dated at all, and a considerable number state merely that the fact presented occurred 'since the twentieth year of Elizabeth,' *i.e.* since the *terminus a quo* set by the commission. These latter entries go to swell the number of earlier offences. Warwickshire returns are especially weak in this matter of dating. But even though weighted with such doubtfully dated entries the acreages reported for the first half of the period fall far short of those of the last half, a contrast too striking to be explained away by a lapse of memory. For the years preceding 1593 only 27 per cent. of the total acreage is returned. The marked rise commencing in the

[1] *For the Five Midland Counties reported on in both Inquisitions.*

—	Total No. of places	Acreage affected			
		1–99	100–499	500–999	Over 1,000
1517	337	198	130	9	1
1607	341	162	157	15	7

For all the Counties.

—	Total No. of places	Acreage affected						
		1–99	100–199	200–299	300–399	400–499	500–599	Over 1,000
1517 (23 counties) .	1,090	747	198	79	33	17	15	1
1607 (6 counties) .	393	188	87	62	21	11	17	7

period 1593–7 indicates that the statement of the preamble to the husbandry statute of 1597, declaring that 'of late years more than in times past' depopulation had increased, had more basis in fact than was always the case in preamble assertions. The sudden rise after 1593 is maintained to the end, falling slightly from 1598 to 1602, but reaching the highest point in the last quinquennial period, contrary to the opinion of the royal proclamation of 1607. This high figure for the last five years is due to the increase in three counties —Buckinghamshire, Huntingdonshire, and Northamptonshire. Bedfordshire reached its highest in 1593–7, as did also Warwickshire, if its misleading figure for 1578–82 be left out of account. Leicestershire was at its highest in 1598–1602.

TABLE II.—*Progress of Inclosures and Severances*, 1578–1607

—	1578 to 1582	1583 to 1587	1588 to 1592	1593 to 1597	1598 to 1602	1603 to 1607	Undated	Total
Bedfordshire	368	1,330	395	3,259	1,604	1,547	1,500	10,004
Buckinghamshire	721	768	527	1,116	840	1,351	1,754	7,077
Huntingdonshire	19	594	494	1,122	980	2,921	1,547	7,677
Leicestershire	1,680	827	855	2,873	3,329	1,948	778	12,290
Northamptonshire	4,214	1,138	2,493	4,646	6,045	7,029	1,769	27,335
Warwickshire	1,790	1,260	624	1,026	830	315	528	5,373
Totals	8,792	4,917	5,388	14,043	13,628	15,111	7,876	69,758

	1578–1588	1588–1597	1598–1607
Totals by decades	13,710	19,431	28,740
	1578–1592	1593–160	
Totals for 15-year periods	19,098	52,783	

Percentages

—	1578 to 1582	1583 to 1587	1588 to 1592	1593 to 1597	1598 to 1602	1603 to 1607	Undated
Bedfordshire	3·68	13·30	3·95	32·58	16·03	15·46	15·00
Buckinghamshire	10·19	10·85	7·45	15·77	11·87	19·09	24·78
Huntingdonshire	0·25	7·44	6·43	14·61	12·77	38·05	20·15
Leicestershire	13·67	6·73	6·95	23·38	27·09	15·85	6·33
Northamptonshire	15·42	4·16	9·12	17·00	22·12	25·71	6·47
Warwickshire	33·31	4·84	11·61	19·10	15·45	5·86	9·83
Totals	12·60	7·05	7·73	20·13	19·54	21·66	11·29

	1578–1587	1588–1597	1598–1607
Totals by decades	19·65	27·86	41·20
	1578–1592	1593–1607	
Totals for periods	27·38	61·33	

There is no marked difference in the relative progress of the two classes of acreage converted and acreage severed. The increase runs parallel though the rise in acreage severed is somewhat more marked in the last decade.

The statistical results, thus hastily sketched, throw some light on the question raised at the beginning of this paper, the share of the specific inclosure movement of this period in causing the greater popular uprisings. The inclosure of open field, I suggested, plays but a comparatively small part in these rebellions, that of commons somewhat more. A comparatively small cause may doubtless produce much irritation. The tendency to inclosure gradually gathering force caused much social distress, particularly in the central-lying counties, and a still larger amount of complaint, since it was made to bear the responsibility for ills not its own progeny. But our figures, with all their deficiencies, warn against exaggeration of the actual extent of the movement, against an uncritical acceptance of the contemporary estimate both of the greatness and the evil of the first century and a half of the 'Agrarian Revolution.' If the agrarian changes had been so thorough, rapid, and far-reaching under the Tudors as we are usually told, if the masses who supported the revolts had been, in truth, uprooted from the soil, there would have been, very possibly, a different history to relate of the English rebellions.

APPENDIX I.[1]

S. P. Dom.[2] James I., Vol. 28, No. 64.[3]

Bartholmewe Stere carpenter and singleman, and placed in verie good service about a fortnight before Michellmas was the first deviser of this insurreccon, his owtward pretence was to overthrowe enclosures, & to helpe the poore cominaltie that were readie to famish for want of corne, But intended to kill the gentleman of that countrie, and to take the spoile of them affirming that the Commons, long sithens in Spaine did rise and kill all the gentlemen in Spaine, and sithens that time have lyved merrily there, That after this he meant to have gonne to London and ioyned wth the prentices, who as he thought would ioyne wth him, for that some of them were lately hanged for the like attempt. And said y^{t} was but a monethes work to overrunne England. He continewally persuaded others to ioyne wth him in this treason, and specially Roger Symondes who was a poore man, and had a greate charge of children, and therefore should have some Collour to rise in respect of hunger.

He and Richard Bradshawe (who willingly ioyned wth him), agreed that the place where they should first assemble should be at Enslowe Hill, on the Monddie next after S^{t} Hughes daie. For Bradshawe said the sooner the Better And Barth: Stere said, that there was ons a rising at Enslowe Hill by the Commons and they were perswaded to goe downe, and after were hanged like dogges. But said he wee will never yeeld but goe through wth yt.

He at the first entering to this treason served the L. Norreis meant to have spoiled his howse, and to have taken his horse armo^{r} and artillarie, and to have victualled themselves wth his wine, Beere, & other necessaries, and perswaded his Lps. carter, and coachman to ioyne wth him meaning to use them for their carriages.

[1] This document should be dated 1597. See above, p. 284, n. 1.

[2] The conjecture in the Calendar as to the description and dating of this report is erroneous. It belongs to the proceedings of 1597 against the Oxfordshire conspiracy. See above, p. 284, n. 1.

[3] The transcription of the following illustrative documents, with one exception, I owe to the liberality of this Society. Mr. W. H. Price kindly copied for me from the *Lansdowne MSS.* the letter numbered 1 in Appendix II.

He expected that the Gentlemens servantes of his Countrie would joyne with him in cutting their masters throates, for that he said they were kepte like dogges.

He hadd allso drawne two of S^r^ Willm^ſ^ Spencers servantes videlt his Cater, and Carter, to be as he termed them sownde fellowes. At the time and place appointed Barth Stere, Edward Bompas Robert Burton mason, and Thomas Horne, mett about ix of the Clock in the night well weoponed, especially Barth: Steere, and continewed there untill xj of the clock, and then departed for that others fayled.

Next to Barth: Steeir these to be principall offendors
Richard Bradshawe miller
Edw: Bompas fuller
Robt: Burton mason
and James Bradshawe miller
We fynde these also offendors
John Stere the father and John his sonne
John Herne
Tho: Herne
Henry Redheade
Edw: Huffer
More doubtfull against these
Roger Ibell
Vincent Rancle
Willm: Dowley
Tho: Ingolsby
Willm: Baldwyn
Tho: Powell
Rich: Heath.

Roger Symons did before the tyme appointed discover this treason, and never used speach of consent But to understand and reveale the treason. The clerest way to proceade against these is to procead uppon the statut of 13 of her ma^ties^ raigne uppon which lawe the prentices of London were attainted for the like offence.

Upon that lawe they must have 2 witnesses uppon there arraigm^t^ or their owne confession, and be proceaded against within five moneths.

Against the first five or so many of them as shall be thought fitt to be attainted there is apparaunt matter This proceading must be before the end of March next for then the 6 moneths expire within which tyme the assises will fall.

APPENDIX II.

Lansdowne MSS. vol. 90, no. 23.

. . . Yo^{r} Lo.^{p} hath harde of the tumultuous rable of people y^{t} have assembled them selves fyrst in Northamptonshyre on May eve, throwynge downe sondry inclosures in dyvers parts, bothe in y^{t} countie, and synce in Warwykeshyre, and lastly in Leycestershyre, wher now they are, continuynge to doe y^{e} lyke/before this, yo^{r} Lo.^{p} hathe (I thynke) seene y^{e} proclamation, and perhaps have bene informed of more particulars of theyr proceedynges then I know, although there is daly advertisem^{t} to the privy counsell from those severall counties, nevertheles I thought good to lett you vnderstande, that his Ma^{stie} is nothyinge well pleased wth the remiss course y^{t} bothe the sheriff and Justices of peace have taken in y^{t} matter, and also the deputy Livetenants, chefely in Northamptonshyre, wher it fyrst began, and also in the other 2 shyres of Warwyke and Leycester/for his Ma^{tie} expected, that so soone as suche insolent numbers hadd bene gathered together, the sheriff and Justices sholde have prepared them selves wth posse comitatus to have gon agaynst them, to have apprehended some of the chefest of them, to have sent some of thos vp hither, and to have committed others (in good numbers) to y^{e} gaioles w^{ch} if they coulde not have well bene hable to have done by theyr posse comitatus: then to have craved the ayde of the Lo. lyvetenants, or the deputy Ld Livetenants in theyr absence, and so to have raysed the trayned bands of horss and foote, or so many of them as hadd bene requisite, and to have sett uppon them, and so to have ether overthrowne or dispersed them as they sholde have thought fytt, wheras on the contrary, they have only used perswations, and no force at all, and now very lately, the sheriffe and Justices of Warwykeshyre havynge hadd conference wth a great number of them, perswadynge them to departe and desist from theis unlawfull courses, and shewynge them the danger of y^{e} Law, &c: they answered, that if the sayd sheriff and Justices wolde acqvaynt his Ma^{tie} that the cause of theyr rysing was oute of no vndutifull mynde to his Ma^{tie} but only for reformation of thos late inclosures w^{ch} made them of y^{e} porest sorte reddy to pyne for wante, and y^{t} they myght heare answere from his Ma^{tie} within vi dayes and that his H^{s}. wolde promis to reforme thos abvses, they wolde then all departe home, and rely uppon his Ma^{s} promis and performance therof &c: w^{ch} motion of theyrs, to acquaynt

his Ma^stie they promised and sent vp S^r Thomas Leygh, who yesterday in y^e aft^rnoone made the privy counsell acqvaynted therwith, w^ch we conceaved to be a course very strange to expostulate w^th suche insolent, base and rebellious people who they sholde not have voutesafed to have spoken w^th in any other tearmes then theis (and not vntill they hadd suffitient strengeth by them) vidz: to have opened to them theyr extreme folly and lewdeness to enter into so unlawfull and insolent an action and to have layed before them theyr perell and danger, and so to have perswaded them to disperse them selves and reterne home, w^ch if they wolde have instantly done, then to have proceeded no further agaynst them, otherwise to have vsed force, and to have sett vppon them and vsed them as rebells and traytors, and to this effect we have (by his M^ts commandem^t) wrytten severall letters, and lykewise divers other letters (provisionally) into some other shyres adjoining directyng them to take y^e lyke course, if any suche tumultuous persons rise in theyr counties. And now I the rather troble yo^r Lo. w^th relation hereof, to thend that if ther shall happen any suche lose or bad people to aryse in bedfordshyre y^t yow will cause y^t sounde and sharpe course to be taken w^th them at y^e begynninge, and in no sorte otherwise to temporise w^th them, but to cutt them of at fyrst if perswation will not prevayle, neyther to vse any perswation at all till you have some 40 or 50 horss well apoynted, w^ch will run over and cutt in peeces a thousand of suche naked roges as thos are. Yo^r Lo^p may doe well to provyde before hande such numbers to be in redynes vppon a dayes warninge, if any suche cause shall happen ther espetially of horss. W^ch leavynge to yo^r good consideration, I will heare take my leave not forgettynge my wyves most frendly commendacons to yo^r Lo.^p we bothe ever wyshynge vnto yow all honorable happyness. At the cowrte at Whytehall this 2 of June, 1607: In hast,

Yo^r Lo^ps most affectionate
Lovyng brother and frend.
Gilb: Shrewsbury.

[To the Earl of Kent.]

The manuscript is endorsed:—

Y^e E. of Shrewsb. to yo^r L^p.
2 June 1607.

Talbot MSS. (Shrewsbury Letters), M. 400.

My honourable good Lo. and brother before I receiued yo^r las ^tres, I had sent, and was sendinge forth, my letters and warrantes to the high & petie Constables, and to all the Captaynes, both of horse

& foote, to take order that both the horse and foote bandes of this Countye be readie at an houres warninge to be ymployed in his Ma^ts^ martiall Service as occasion shall require, w^th^ speciall direccons to those Townes where the Country^es^ Armes are kept and to all the Armourers to provide for the readines and safetie of the Armes ; and as since I understand it was tyme such order should be taken, for that some unruly persons in some partes of the Country would els (as is supposed) have broken out into some disorder : but I hope (my good Lo :) by that w^ch^ is allready done this Countrye shalbe kept in such peace and good order that yo^r^ hono^rs^ of the priuie Councell shalbe putt to no further trouble in that behalf : In the meane tyme I have thought good to advertise yo^r^ Lo^p^ of theis my proceedinges ; and for yo^r^ better satisfaccon therein haue sent yo^u^ here inclosed the Copies of my severall letters & Warrantes sent forth touchinge this service. I understand of direccons daily sent from yo^r^ honours of the priuie Councell to those of Northampton-shire & the other Countryes adioyninge, where theis stirres are ; w^ch^ I hope by yo^r^ honourable care and providence wilbe ere longe suppressed. there is allready 4 posthorses appointed at Bedd to be in continuall readines for dispatch of his Ma^tes^ postes into Northampton-shire or elswhither (as occasion shall serue) and I doubt not but that Dunstable, and other partes of the Country (if neede require) wilbe found readye to execute the like seruice. So givinge yo^r^ Lo^p^ very hartie thankes for theis yo^r^ late honourable and frendly advertisementes especially touching this buisines, w^th^ my most kinde and frendly salutacons to yo^r^ good Lo^p^ and my honourable La[dy] and like wishes of all honourable happines to you both, I take my leave, and rest

Yo^r^ Lo^ps^ most assured true frend and lovinge brother

H. KENT.

Wrest 6^to^ Junii 1607.

[Post]script : My good Lo : it is reported that some 3 or 4 popish priestes or Jesuites are lately fledd from some of those rebellious people in Northamptonshire w^ch^ if it be true, there is the better hope that the rest of those rebelles will not longe continue together (wantinge theis & such like popish persons theire Ring-leaders and cheife Captaynes :) but be the sooner induced to disperse themselues and to returne in peace to theire owne places of habitacon w^ch^ god graunt may be done speedily.

[*Endorsed* :] 6. Junii 1607.

The Earle of Kent to my lord, & Copyes of warrantes for putting men in readynes when the Levellors weare up in next Countyes.

E : of KENT.

Talbot MSS. (Shrewsbury Letters), L. 89.

My very honourable good Lo. / notw^th standinge all my best direc̃cons and comaundes by authoritie of his Ma^tes Commission of my Lieuetenauncye in this his highnes Countie of Bedd (together w^th all the best care and diligence I possibly could both priuately & publikely to prevent and suppresse theis and the like offences and offenders) haue bene nowaie wantinge (as yo^r Lo^p hath of late partely understoode yet nowe yo^r Lo^p shall see, ho^w many discontented obstinate people there be, who (even in this Contrye no^we of late, aswell as in diverse others) w^thout all regard of lawe or reason, feare not tumultuously to disturbe (& what they can to overthrowe) the publike tranquilitie and precious peace, that they and we all (by the great blessinge of God) do inioye underneath his Ma^tes happie government. That o^r Bedfordshire people should offend in this sorte, I am very sorie for it; but I hope that the censure and punishment allready imposed and that hereafter maie be further laid upon some of theis, wilbe such a warninge and example unto them and other the like affected people, that they will presume no more hereafter to committ the like offence: w^ch god graunt. / I haue made bold (my good Lo:) to send unto yo^r Lo^p herew^th my letter directed to yo^r hono^rs of the privie Councell concerninge the late troublesome buisines wee haue had in this Contrye, as also the Copie of a warrant w^ch I lately sent out for inquiry of unlawfull inclosures & depopulac̃ons accordinge to yo^r and theire Hono^rs direcc̃ons unto me by yo^r late letters; I pray yo^r good Lo^p to receiue them of this bearer my footeman, and that yo^w wilbe pleased to cause them to be delivered to their Hono^rs accordinge to the direcc̃on; the contente whereof shalbe well knowne unto yo^r Lo^ps when it shall please yow to open them. / I hope yo^r Hono^rs shall not be troubled w^th the like from hence hereafter. / So prayinge yo^r Lo^ps pardon for this my over great boldnes, I doe most hartily wish yo^r Lo^p and my hono^rable La. as well to doe in all thinges as I would unto my self. / ever resting

yo^r Lo^ps most assured poore frend
and lovinge brother to commaund
H. Kent.

Wrest 20. Junii 1607 [in haste].

[*Endorsed:*] To the right honourable my very good Lo: and brother the Earle of Shrewsburie of his Ma^tes most hono^rable priuie Councell theis

20. Junii 1607.
The E: of Kent of the Levello^rs in Bedfordshire.

Talbot MSS. (Shrewsbury Letters), L. 91.

My honourable good Lo: and brother/I perceiue by yo^{r} last ℔res, that the course w^{ch} I haue taken to be certified first from the Contrye of the depopula$\tilde{c}$ons & unlawful inclosures, before I made my Certificate thereof to yo^{r} Hono^{rs}, doth not so well satisfye yo^{r} Hono^{rs} as the course w^{ch} my Lo: S^{t} John tooke, w^{ch} was better liked, who (as yo^{r} L^{p} writes) is thought to haue presently advertised yo^{w} out of his owne knowledge of some of the cheif offenders in that kinde wthin his Countie; w^{ch} likewise I could in that sort here haue done (as I suppose) as well as any other Lieutenaunt in his Contry could do; in not following w^{ch} course in his Contrye, if it be thought I haue committed any great errour, I am very sorie for the same; but I rather tooke this course w^{ch} I haue held in this Contry to be for the best, as well as for notice of the truth as of the certentie, by that meanes to understand as well as I could, the names of the offenders, the places, the quantitye & qualitie of theire severall offences and such as were most grievous to the inhabitantes where they were done; yet upon receipt of yo^{r} Lo^{ps} last letters (w^{ch} were delivered unto me by post) I tooke the best order I could for the hasteninge of the buisines, givinge present direc$\tilde{c}\tilde{o}$n to all the high Constables to bringe in all theire Certificates some 4. or 5: daies sooner then the tyme limmitted by my former Warrantes, upon returne whereof, I haue wthall the speede I could nowe dispatched theis letters to yo^{r} L^{ps}, together wth my Certificate thereinclosed, and the Copie of the letters whereby I haue commaunded in his Ma^{tes} name, those cheif offenders mencioned in the said Certificate to appeare before yo^{r} Hono^{rs} at the Councell-bord on the first of Julye next, the daye appointed by yo^{r} said last letters. . . .

Yo^{r} L^{ps} most assured true frend
and lovinge brother
H. Kent.

[*Endorsed:*] To the right hono^{r}able my verie good Lo: and brother the Earle of Shrewsbury of his Ma^{te} most hono^{r}able priuie Councell./theis

29 July 1607.
The E. of Kent of Depopula$\tilde{c}\tilde{o}$ns &c.

THE MINORITY OF HENRY III.

PART I

BY G. J. TURNER, M.A.

Read January 21, 1904

I.—THE CORONATION AND THE WORK OF GUALA

ALTHOUGH the history of the reign of Henry III. has often been written, I venture to think that some generalisations about it have been too readily accepted and that this is especially the case with respect to the king's minority. Too much importance has been attached to the monastic chronicles, and too little to the testimony of official records. In the first part of this paper I narrate briefly a few of the chief incidents of the regency of the earl Marshal with a view to showing what part the great men of the realm played in the war. I also endeavour to show the importance of the offices of castellan and sheriff, and to explain the government's policy with respect to them on the king's accession. In another part of this paper I hope to be allowed to deal with the difficulties concerning the surrender of the castles into the king's hands and those concerning the termination of the minority itself.

On October 19, 1216, King John died at Newark castle. He was buried a few days later in the cathedral church of St. Mary at Worcester, in the archives of which his will is still preserved. On October 28 there assembled at Gloucester many of the great men of the realm, bishops, abbots, earls, and barons, who had served the dead King faithfully, with

many others; and there, in St. Peter's abbey, amid the applause of the clergy and people, his son Henry was publicly anointed and crowned king of England by Guala, the legate of the Holy See, and the bishops then present.[1] Afterwards the king, a boy of nine, did homage to Guala for his realm of England and the lordship of Ireland, and swore that he would pay the tribute by which his father had bound his lands to the Holy See.[2] Among those who came to the coronation were Pierre des Roches, bishop of Winchester, and Joscelin of Wells, bishop of Bath, William the earl Marshal, and William de Ferrières, earl of Derby. Ranulph, earl of Chester, arrived after the coronation was over;[3] Cardinal Langton, archbishop of Canterbury, was still in Rome; but the absence of Hubert of Burgh, the late King's justice, excites some suspicion concerning his loyalty.

While still at Gloucester William Marshal accepted the office of justice of England, but it was a temporary arrangement, and a fortnight later a council of the magnates met at Bristol for the purpose of making further arrangements for the government of the country. The council conferred on William the specially created office of governor of the king and his realm; and from that time it was Hubert of Burgh who was described in royal letters as 'justice' or 'justice of England.' Dr. Stubbs was of opinion that William Marshal was never appointed justice, but he seems to have overlooked the fact that he is so described no less than four times on the roll of letters patent and twice on the roll of letters close.[4] The appointment of William Marshal to be justice in the place of Hubert, and his appointment shortly afterwards of

[1] This is the official account of the coronation taken from the letter to the justice of Ireland, announcing John's death and the coronation of Henry III. (*Fœdera*, i. part i. p. 145). The date of the letter is probably February 6, 1217. (Cf. *Rot. Litt. Pat.* p. 31.)

[2] *Rogeri de Wendover Flores Historiarum* (Rolls Series), ii. 198.

[3] *L'Histoire de Guillaume le Maréchal* (Société de l'Histoire de France), ii. 186. The names of those present are stated differently by different chroniclers. None of them represent Hubert as having been present.

[4] *Rot. Litt. Pat.* pp. 1, 2; *Rot. Litt. Claus.* p. 293.

governor, so as to hold a position of greater authority than Hubert, who thereafter acted as justice, suggest that at the beginning of the reign Hubert had not the full confidence of the royalist party. Probably he had lost the confidence of King John himself in his last days, for he was the one great man of his party not nominated by the King as one of the executors of his will.[1] Hubert received the office of justice from John, not from the magnates at Bristol, and probably claimed to continue holding it as of right. His own account of his appointment, as given by his advocate Lawrence of St. Albans in the year 1235, is instructive.[2] He says, in answer to a charge of having usurped his office, that after the war he remained justice without contradiction, and that after the death of William Marshal, by the counsel of Guala,[3] the legate, Stephen, archbishop of Canterbury, the bishops and magnates, he still remained justice without contradiction, and that the Pope always wrote to him as justice, and that he was always so reckoned by the Church and the realm as having been appointed by King John. This is not the statement of a man who could boast of having been called to an exalted position by the unanimous voice of the loyal magnates. But the mere fact of the care of the king and of the realm, on the king's accession, having been committed to the legate, Pierre des Roches, bishop of Winchester, and William Marshal (as Walter of Coventry says, though without strict accuracy, was the case[4]), shows that the magnates reposed no great confidence in Hubert; for his position as justice certainly entitled him to act as the colleague, if not in the place, of the bishop of Winchester.

While the council was at Bristol, Magna Carta was issued

[1] *Fœdera*, i. part i. 144.

[2] *Matthei Parisiensis Chronica Majora* (Rolls Series), vi. 64.

[3] In this Lawrence of St. Albans was mistaken; Pandulph, not Guala, was then the legate.

[4] *Memoriale Fratris Walteri de Coventria* (Rolls Series), ii. 233. The earl Marshal committed the care of the king to the bishop by way of delegation, but the magnates no doubt consented. Guala had a share in the custody by virtue of his office as legate.

in a new form in the name of the king, but under the seals of Guala and William the earl Marshal, the king as yet having no seal. Much that had been in the old charter was omitted, and but little was added in the new issue. Great importance attaches to the disappearance of certain articles, more especially to those which relate to taxation, but at present we are concerned with two articles only. King John's charter had declared that he would remove from their bailiwicks the relatives of Gerard de Athée, namely, Engelard de Cigogné, Peter and Guy and Andrew de Chanceaux, Guy de Cigogné, Geoffrey de Martigny and his brothers, Philip Marc and his brothers, Geoffrey the nephew of Philip Marc, and the whole brood of them. It is evident from a collation of the article with the corresponding article of the barons' petition that the word 'namely' must be supplied, although there is nothing corresponding to it in the Latin text.

Ut rex amoveat penitus de balliva parentes et totam sequelam Gerardi de Atyes, quod de cetero balliam non habeant, scilicet, Engelardum, Andream et Gyonem de Cancellis, Gyonem de Cygon', Matheum de Martiny et fratres eius et Galfridum nepotem eius et Philippum Mark.

Nos amovebimus penitus de balliis parentes Gerardi de Atyes, quod de cetero nullam habeant balliam in Anglia; Engelardum de Cygoyn', Andream, Petrum et Gyonem de Cancellis, Gyonem de Cygoyn', Galfridum de Martiny et fratres eius, Philippum Marc et fratres eius, et Galfridum nepotem eius et totam sequelam eorundem.

This provision is followed in the charter by another, which declared that after peace had been made the King would remove from his realm all alien knights, crossbowmen sergeants and mercenaries who had come with horses and arms to the annoyance of the realm, and this second provision goes far towards explaining the first. It suggests that it was not as mere foreigners that the barons objected to the kinsmen of Gerard de Athée, but as mercenary captains, whose possession of fortresses and command of troops offered a

constant menace to the baronial party. A brief sketch of their history bears out the suggestion.[1]

Gerard de Athée derived his name from a village not far from the city of Tours, in the modern department of Indre-et-Loire. On August 24, 1202, John appointed him steward of Touraine, and on March 20 following warden of the castle of La Guerche in the same province.[2] Shortly after Easter 1204 he was defending the castle of Loche, also in Touraine, when Philip captured it and took him prisoner.[3] But John, who seems to have appreciated his military abilities highly, ransomed him for a sum of one thousand marks.[4] His proceedings in Touraine provoked bitter resentment. A French chronicler[5] speaks of him as a fierce fellow, a slave and the offspring of slaves, the devastator of Tours and Amboise.

His wife Lue and children received letters of safe-conduct[6] in December 1206, in order that she might come and tarry in England, but she remained in France till September 21, 1207, when John begged the master of the Knights Templars in France to conduct her with her son to the sea.[7] In the following year Gerard received several shrievalties and wardenships in England, namely, the county and castle of Gloucester[8] on 5 January, the castle of Bristol[9] on March 6, the county and castle of Hereford[10] on March 23, and the county of Derby[11] with the castle and county of Nottingham some time in the autumn. By way of emolument the King also granted him the custody of the bishopric of Bath on March 17, and the bishopric of Hereford and the honour of

[1] Many of the facts which follow have been noted (with others) by Professor F. W. Maitland in *Pleas of the Crown for the County of Gloucester*, pp. xiii–xv.

[2] *Rot. Litt. Pat.* pp. 17, 27.

[3] Bouquet, *Recueil des Historiens* (Guillelmus Armoricus de Gestis), xvii. 80.

[4] *Rot. Litt. Claus.* i. p. 92 *b*, 97, 99 *b*, 104.

[5] Bouquet, *Recueil*, xvii. 217.

[6] *Rot. Litt. Pat.* p. 56 *b*.

[7] *Ibid.* p. 75 *b*.

[8] *Ibid.* p. 78 *b*.

[9] *Rot. Litt. Claus.* i. p. 105.

[10] *Rot. Litt. Pat.* p. 83.

[11] The castle was in his possession on September 7 (*ibid.* p. 85). He began to account for the counties from Michaelmas.

Gloucester four days later.[1] Gerard accounted for his three shrievalties by deputy; Richard Burgeis accounting for him as sheriff of Gloucester and Hereford, and Philip Marc as sheriff of Derby and Nottingham. On October 3, 1208, Philip Marc was appointed sheriff of the two latter counties,[2] and at Michaelmas 1209 Engelard de Cigogné of the two former.[3] At this date Gerard seems to have left the King's service, and the remainder of his life is buried in obscurity.

However harshly Gerard de Athée may have acted in Touraine, there is no evidence to convict him of any misconduct in England. He disseised the abbey of Cirencester of its seven hundreds in the county of Gloucester[4] and the lepers of Bristol of part of their property;[5] but these may well have been ministerial acts capable of justification. On the other hand, the rolls of the eyre held in 1221 for pleas of the Crown in the county of Gloucester have been published in full;[6] and it is on them that we should look for evidence of his oppression. They show certain irregularities which, as between himself and the King, needed explanation, but nothing which suggests that he was arbitrary, cruel, or extortionate.

Engelard de Cigogné, who succeeded Gerard de Athée as sheriff of Hereford and Gloucester, was probably his nephew, for Roger of Wendover[7] not only describes him as such, but always calls him by the name of Engelard de Athée. Engelard accounted for his shrievalties at the exchequer by a deputy, Richard Burgeis, who, as we have seen, had been the deputy of Gerard de Athée. He continued to act as sheriff until shortly after the issue of John's Magna Carta, when Ralph Musard succeeded him in Gloucestershire[8] and Hubert of Burgh in Herefordshire.[9] Nine months later he

[1] *Rot. Litt. Pat.* p. 83 *b*.
[2] *Ibid.* p. 86 *b*.
[3] His appointment is not enrolled.
[4] *Rot. Litt. Claus.* i. 220, 649.
[5] *Ibid.* p. 227.
[6] See p. 249, note 1, above.
[7] *Rogeri de Wendover Flores Historiarum*, ii. 192, 255, 277.
[8] *Rot. Litt. Pat.* p. 148 *b*.
[9] *Ibid.* p. 149 *b*.

was appointed warden of the castles of Odiham and Windsor.[1] He defended them valiantly during the civil war, and they remained in his custody until December 1223. He also succeeded Gerard de Athée as warden of the castle of Bristol.[2] Roger of Wendover speaks of him as *vir in opere martio probatissimus*.[3] Cigogné, the village in Touraine from which he derives his name, lies in the same canton [4] as Athée.

Pierre de Chanceaux (who, though mentioned in the charter, is not mentioned in the barons' petition) was for a time warden of the castle of Bristol, which he was directed [5] to deliver to Philip d'Aubigni on July 20, 1215, but he was probably under-castellan only to Engelard de Cigogné. His brother Guy was also under-warden of the castle of Gloucester, while Engelard was its chief warden, and on May 1, 1216, he was an under-warden of Dover castle,[6] of which Hubert of Burgh was then chief warden. About the same time Andrew de Chanceaux succeeded Richard Burgeis as under-sheriff of Hereford. It was he, not Engelard the sheriff, who was directed to deliver the castle and county of Hereford to Hubert of Burgh in July 1215. As early as March 1207 Engelard de Cigogné, Andrew de Chanceaux, Guy de Chanceaux, and Pierre de Chanceaux are described as the companions of Gerard de Athée in some letters close [7] by which the manor of Hisburn was granted to them for their support. The Christian name of Guy de Chanceaux is generally written in the Chancery rolls as Gio or Geon instead of Guido or Wido, the form used by Normans and Englishmen. Chanceaux is in the department of Indre-et-Loire and is not far from the villages of Cigogné and Athée.[8]

Although the name of Guy de Cigogné follows that of Guy de Chanceaux in both the barons' petition and the

[1] In April 1216. *Rot. Litt. Pat.* p. 178.
[2] *Rot. Litt. Claus.* i. 123 *b*.
[3] *Rogeri de Wendover Flores Historiarum*, ii. 192.
[4] Canton Bléré; ar. Tours.
[5] *Rot. Litt. Pat.* p. 149 *b*.
[6] *Ibid.* 179 *b*.
[7] *Rot. Litt. Claus.* i. 79 *b*.
[8] In ar. and cant. Loches.

charter itself, they were probably one and the same person. Guy de Cigogné is mentioned in some letters patent[1] dated May 14, 1215, which point to his being a castellan or an under-castellan, but his name nowhere else appears upon the rolls of the Chancery. The evidence of identity of the two Guys comes from the rolls of the eyre for pleas of the Crown in the county of Gloucester[2] in 1221, which exist in duplicate. There is a case recorded on them where the Gio de Cancellis of one roll is called Gio de Cigoniis in the other.

Mathias de Martigny, who seems to have been the same person as Mathias de Cigogné, is mentioned in the barons' articles, but in the charter itself his place is taken by Geoffrey de Martigny. Mathias, whose name has usually been read wrongly as Mathew, was one of the royal clerks. Little is known of him, except that King John exercised some ecclesiastical patronage in his favour, and granted him on December 22, 1215, the custody of the lands of the rebel Henry of Braybrooke, of which Geoffrey de Martigny had been seised.[3]

Geoffrey de Martigny, whose name occurs in the charter, but not in the articles of the barons, was holding the office of warden or more probably deputy warden of Northampton castle on July 2, 1215, when he was directed[4] to deliver the castle to Roger de Neville, whom the king had appointed sheriff of the county of Northampton. Geoffrey probably left England in the following September.[5]

A comparison of the article in the barons' petition relating to the banishment of the kinsmen of Gerard de Athée with the corresponding article in the charter points to both articles having been drafted carelessly, if not in actual ignorance of the names of the persons intended to be banished. Probably

[1] *Rot. Litt. Pat.* p. 136.

[2] F. W. Maitland, *Pleas of the Crown*, &c., p. 97. It appears from these rolls that Guy de Chanceaux acted as warden or deputy warden of the castle of Gloucester.

[3] *Rot. Litt. Claus.* ii. 243.

[4] *Rot. Litt. Pat.* p. 146 *b*.

[5] *Rot. Litt. Claus.* i. 228, 243.

the Geoffrey the nephew[1] of Mathias de Martigny of the barons' petition, and the Geoffrey the nephew of Philip Marc of the charter itself, were one and the same person, namely the Geoffrey de Martigny who was warden or deputy warden of the castle of Northampton. The actual relationship, however, which obtained between the kinsmen themselves and between them and Gerard de Athée is very doubtful. On October 21, 1200, the king granted letters[2] of protection to Andrew de Chanceaux and John and Mathias, Peter and Guy, whom he described as brothers. This John was perhaps the John de Athée frequently mentioned in the rolls of the Chancery of the reign of John, and Mathias was the Mathias de Martigny of the charter who was also called Mathias de Cigogné.

The last person whose banishment the barons demanded by name was Philip Marc. As already stated, he succeeded Gerard de Athée, whose deputy he had been, as sheriff of Derby and Nottingham. He remained in that office throughout the first years of the young king's reign and became a soldier and administrator of great distinction. His surname possibly denotes that Mark was the Christian name of his father. On February 27, 1216, the king granted lands to a certain Mark de Cigogné upon his giving security that he would remain in the castle of Nottingham.[3] This Mark de Cigogné if not the father of Philip may have been his brother, having been so called after their father.

Though the kinsmen of Gerard de Athée were well-trusted servants of the king, to whom he had granted the custody of important castles, they cannot be described as royal favourites, for not one of them received a grant of land in perpetuity by royal charter. Nor can they be included among the king's political advisers, for if they had been such they would

[1] Geoffrey and Mathias de Martigny seem, however, to have been brothers (*ibid.* p. 243).

[2] *Rotuli Chartarum*, p. 98 *b*.

[3] *Rot. Litt. Claus.* i. 249 *b*.

certainly have witnessed his charters occasionally. Yet not one of them witnessed a royal charter except Engelard de Cigogné; and he witnessed but one before the issue of the Great Charter at Runnymede and but two afterwards.[1] They were neither courtiers nor politicians, but soldiers of experience whom the barons feared with good cause. Beyond this we may conjecture that they looked upon Gerard de Athée and his kinsmen as base fellows whose origin debarred them from holding posts of distinction. In the thirteenth century no less than in the twentieth social position must have been a considerable factor in official life.

The two provisions referred to above were omitted from the Great Charter issued by Guala and the earl Marshal at Bristol. The king's party could not afford to lose the military services of Engelard de Cigogné and Philip Marc. It was a time when castellans took the chief part in the work of war.

The persons by whose advice the charter was granted at Bristol are mentioned in the instrument itself. Among them were the four Welsh bishops and seven others, the loyal earls, William the Earl Marshal, William de Ferrières earl of Derby, and Ranulph earl of Chester, also William count d'Aumale, who had been one of the twenty-five barons chosen to enforce the provisions of John's charter, and was the first of them to join the young king's party; Hubert of Burgh, the justice, who, as we have already seen, had been absent from the coronation; Savory de Mauléon, sheriff of Hampshire; Fawkes de Breauté, sheriff of several counties; William Briwer and his son William, intimate friends of the late King. But Engelard de Cigogné, warden of the castles of Windsor and Odiham, Philip Marc, sheriff of Nottingham and Derby, both of whom John had promised by his charter to remove from their bailiwicks, Pierre de Maulay, sheriff of Dorset, and Ralph Musard, sheriff of Gloucester, whom the chroniclers describe as aliens, are not mentioned in the charter. We ought not, however, to ascribe the absence of their names to

[1] *Rotuli Chartarum*, pp. 188, 221 *bis*.

dislike of the provisions issued; for they held important castles in their custody, and while a civil war raged all the King's supporters could not attend his councils. Moreover, Pierre de Maulay was among those who counselled the issue of the charter of the ninth year of the reign, which was substantially the same in form as the charter now issued at Bristol.

Early in the year 1217 Guala and the earl Marshal announced the coronation and the new issue of the charter to the justice of Ireland.[1] The letter in which the announcement was made, written in the latinity of the Papal Chancery, seems to have been the work of Guala. That great man laboured incessantly in the cause of the young king. The chroniclers bear witness to his unsparing activity. He placed the whole of Wales under an interdict because it held with the barons. 'He supported,' says Walter of Coventry,[2] 'the king's party with all his might, bidding and warning, begging and urging, arguing and chiding, drawing the sword of Peter against those who gainsaid or disobeyed; for such were his instructions.' But he says,[3] too, that Guala incurred unpopularity, because he took procurations from churches and monasteries without visiting them, and that when he left England two years later he carried with him an infinite sum of money. It may be that Guala[4] was avaricious, but the statements of monastic chroniclers on such a point must be received with caution. A cardinal, far away from his native land, governing a kingdom in time of war, he certainly needed money to maintain his exalted position. If, however, he carried away the large sum which the chronicler mentions, we need not assume that it was not money which he was bound to collect and that it was not paid in due course into the Papal treasury at Rome. Guala founded the church of St. Andrew at Vercelli, where he was born, in

[1] *Fœdera*, i. part i. 145.

[2] *Memoriale Fratris Walteri de Coventria*, ii. 233, 236.

[3] *Ibid.* p. 236.

[4] A life of Guala was published in the year 1767 by Giuseppe Frova under the pseudonym Filadelfo Libico.

Northern Italy. For its support Henry III. granted him the church of Chesterton adjoining Cambridge on November 8, 1217, and confirmed his grant by charter[1] in the twenty-second year of his reign; but there is no evidence of the church of St. Andrew at Vercelli having been built, as has been sometimes stated, with English money. But whether the illustrious cardinal was avaricious or not, he seems to have been somewhat nepotic, for three of his nephews were beneficed in England, and one of them, Ruffinus, was a considerable pluralist.[2]

Unsparing as were the efforts of Guala, he was the agent of Pope Honorius III., to whose watchful care the young king owed his throne. Several weeks must have elapsed before the news of John's death reached Rome. On December 1 Honorius recalled[3] the English barons to their allegiance, declaring that all colour was taken from the rebellion now that John was dead, and that it was unjust that the innocent Henry should pay the penalty of his father's crime. Two days later he requested Guala to keep a constant watch over the care of the children of the late King, and to declare illegal the oaths taken by the barons to Lewis.[4] By another letter of the same date he exhorted William earl of Pembroke, Savory de Mauléon, the earls of Arundel and Surrey and Hubert de Burgh to remain in fealty to the late king's sons.[5]

[1] The charters are printed in full in Frova's life of the cardinal (Filadelfo Libico, *Gualæ Bicherii Vita et Gesta*, pp. 100, 103). The church was already built when Guala left England. The charter of Nov. 8, 1217, contains the words 'ecclesia B. Andree Vercellensis quam idem dominus Guala in honore dei et B. Andree *construxit* ibidem.' The story of Guala's taking away with him a large sum of money probably arose from the fact that about the time of his departure the king was endeavouring to raise 6,000 marks for the use of his agents at the Roman court (*Rott. Litt. Pat.* pp. 167, 181, 184, 209).

[2] *Calendar of Papal Letters*, i. 140, 142, 145; *Rott. Litt. Pat.* pp. 299, 352, 422; *Rot. Litt. Claus.* i. 581 *b*.

[3] Potthast, *Regesta Pontificum Romanorum*, No. 5375; Pietro Pressutti, *Regesta Honorii Papæ III.* p. 24, No. 131.

[4] Potthast, *Regesta*, No. 5378; Pressutti, *Regesta*, p. 27, No. 142, *Calendar of Papal Letters*, i. 41.

[5] *Calendar of Papal Letters*, i. 42. The Pope sent a further letter of exhortation to the earl Marshal and others on January 19, 1217, begging them to follow the counsels of Guala. (Bouquet, *Recueil*, xix. 625.)

On January 17, 1217, he bestowed wide powers on Guala, enabling him to interdict, excommunicate, and even degrade all clerks who deserve punishment; to grant vacant cathedrals, churches, and abbeys to clerks faithful to the king; to grant indulgences throughout England, Scotland, and Wales; to give dispensations to crusaders desiring to return, so long as they supported the king; to annul oaths taken to Lewis and to use his judgment in finding a suitable wife for his little charge.[1] On the same day he directed Guala and two bishops, executors of King John's will, to restrain by ecclesiastical censure all those who hindered its execution.[2] On January 20 he wrote a long letter of condolence and exhortation to the king himself begging him to follow the advice of Guala.[3] On April 21 he wrote in a friendly spirit to Philip, the king of France, requesting him to withdraw his son Lewis from his invasion of England, lest it should be recorded that he was striving to disinherit one of the coheirs of the kingdom of Christ.[4] These are but a few of the many letters which the Pope wrote concerning the government of England during the first year of the reign.

The earl Marshal fully appreciated the services which the Pope and his legate Guala rendered to the king, for he must have been responsible for the letter[5] written on November 6, 1217, in the king's name, expressing gratitude for the Pope's assistance in raising him to the throne, asking for time for payment of the annual tribute, and acknowledging the prudence of Guala. These services of the Papacy made a deep impression on the mind of the young king. Years afterwards, in a letter to the Pope to which Dr. Luard has drawn attention, he spoke of the Pope as his

[1] Potthast, *Regesta*, No. 5417; Pressutti, *Regesta*, p. 44, No. 244; Bouquet, *Recueil*, xix. 623.

[2] Potthast, *Regesta* (omitted); Pressutti, *Regesta*, p. 45, No. 248; *Calendar of Papal Letters*, p. 44.

[3] Potthast, *Regesta*, No. 5427; Pressutti, *Regesta*, p. 48, No. 267; Bouquet, *Recueil*, xix. 626.

[4] Potthast, *Regesta*, No. 5528; Pressutti, *Regesta*, p. 45, No. 248; Bouquet, *Recueil*, xix. 629; *Calendar of Papal Letters*, p. 47.

[5] Shirley, *Royal and other Historical Letters* (Rolls Series), i. 6.

spiritual father and the Holy Roman Church as his spiritual mother.[1]

'To them will we firmly adhere, both in prosperity and adversity; on the day when we do not this we consent to lose an eye or even our head; God forbid that anything separate us from devotion to our spiritual father and mother. For besides all the reasons which affect us in common with other Christian princes, we are above all others bound to the church by an especial reason; for just after our father's death, while still of tender age, our kingdom being not only alienated from us, but even in arms against us, our mother the Roman Church, through the agency of Cardinal Guala, the legate in England, recovered this kingdom to be at peace with us and subject to us, consecrated and crowned us king, and raised us to the throne of the kingdom.'

Idle as it is to speculate on what might have been the course of history if Lewis had been crowned king of England, few will deny that the succession of Henry III. was an event in the highest degree fortunate for the country. For that mercy a large measure of gratitude is due to the memory of Guala and his master, Pope Honorius III.

II.—The Progress of the Civil War

Lewis had married Blanche, the niece of John and daughter of his sister Eleanor, the queen of Castile, and claimed the throne of England as the lawful inheritance of his wife. John, he contended, had been condemned to death by his peers in the court of his lord the king of France for the murder of his nephew Arthur, and had so forfeited all right to the English crown. His niece, Eleanor, the sister of the murdered Arthur, and his cousin Otto, the son of Henry the duke of Saxony by Maud, the eldest daughter of

[1] H. R. Luard, *On the Relations between England and Rome during the Earlier Portion of the Reign of Henry III.* The translation which follows is Dr. Luard's.

Henry II. of England, were excluded from the inheritance by an alleged rule of law that the children of a brother or sister could not succeed if the sentence under which they claimed was issued after the death of the brother or sister. So, as Henry I. king of Castile, the brother of Blanche, and the king of León, who had married Berengaria, her elder sister, made no claim, the crown devolved upon himself in right of his wife Blanche.[1]

To us, accustomed to a well-established law of inheritance, the argument appears at first sight far from convincing. The rule on which Lewis relied has no place in English law; and most modern historians seem to agree that John was never condemned in the court of his peers for the murder of his nephew. It is, however, an argument which has recently been defended with learning and vigour by a French critic who maintains[2] that the rule was well recognised in France and that the facts were substantially as Lewis stated them. But its real significance lies not in its validity, but in the fact of its being addressed to the Pope. It was the clergy, not the laity, whom Lewis desired to convince of the strict legality of his claim. He realised that he had little chance of success so long as he fought with his hands bound by a sentence of excommunication. To the barons the strict legality of his claim to succeed by hereditary right can have been of little interest. Of all the kings of England since the Norman Conquest Richard I. alone could claim to be the heir of his predecessor. John's hereditary right was doubtful so long as his nephew Arthur or his niece Eleanor still lived. Thus it was without any violation of precedent that the

[1] The claim of Lewis is discussed by Dr. Luard in his *Relations between England and Rome*. In this pamphlet he insists on the importance to England of the work of Guala and Pope Honorius III.

[2] In an article written by M. (P.) Guilhiermoz (*Bibliothèque de l'Ecole des Chartes*, lx. 45). To this article M. (Charles) Bémont (the distinguished historian who first denied the condemnation of John for the murder) replied (*ibid.* p. 363), adhering firmly to his former position. Whether M. Guilhiermoz is right or wrong in his contention, his article, though somewhat marred by a certain acidity of tone, is one of the most brilliant pieces of historical criticism which have appeared recently.

barons, having deposed John, had sought among the descendants of Henry II. for a suitable successor. Their choice almost of necessity fell upon Lewis; for to an Englishman of Norman descent he must have seemed better fitted to be a king of England than Otto of Saxony or the kings of Castile or León.

But however ardent the barons may have been in the cause of Lewis, we may well doubt whether he received any firm support from the English peasantry. John enjoyed all the prestige of an anointed king, and above all he was supported by the Church. The monastic clergy may have detested him, but the parochial clergy, no doubt, followed the bishops who, supported him vigorously. Of the stories of his misconduct some can never have reached the ears of the peasantry; others may have been heard with incredulity. Taxes, levied perhaps with neither precedent nor justification, may have exasperated the barons without pressing very heavily on the poorer classes, more especially in districts of increasing prosperity. And when King John died there must have been a wide-spread feeling that the innocent son ought not to suffer for the sins of his father. There can be little doubt that the peasantry took no active part in support of the barons; and in some districts it may have passively supported the young king. We may see in the hostility of the Church and the failure to evoke the sympathy of the peasantry the two great causes of the gradual desertion of Lewis by the barons.

Many of the barons must have hesitated long before they finally transferred their allegiance to Henry. Lewis had, no doubt, promised them great rewards if they remained faithful to him, and Guala and the earl Marshal, no doubt, offered like inducements to those who would desert him. A story told by Matthew Paris[1] is instructive on this point. Shortly

[1] *Chronica Majora* (Rolls Series), iii. 3. The story as told by Roger of Wendover, some twenty years earlier, is briefer and much less favourable to Hubert of Burgh. Roger distinctly states that Hubert had a conference with his knights before it was decided not to surrender the castle.

after the death of John, William earl of Salisbury, bringing with him a brother of Hubert of Burgh, Thomas by name, who was a prisoner in the hands of the barons, approached Dover castle, which Hubert defended during the war. He assured Hubert that if he would surrender the castle Lewis would confer great wealth upon him, make him one of his first counsellors, and grant him the counties of Norfolk and Suffolk to hold hereditarily. Hubert, however, who already held these counties during the king's pleasure,[1] remained faithful, but the earl of Salisbury deserted Lewis. On March 15, 1217, a few days only after the earl had rejoined the royal party, the king granted to him the castle of Sherborne with the county of Somerset,[2] and on May 24 the city and county of Lincoln.[3] On August 14 the earl, having done homage to the king, received the counties of Somerset and Devon to hold, like his half-brother the late King when count of Mortain, as counties palatine.[4] The exceptional nature of this grant points to some agreement having been made between the king's counsellors and the earl before surrender. His elevation to the dignity of a palatinate earl never took effect, and the counties of Devon and Somerset remained in the hands of the sheriffs whom King John had appointed. William Marshall the younger, who joined the royalist party about the same time as the earl, was shortly afterwards rewarded by a grant of the custody of the lands of the earls of Winchester and Huntingdon.[5] As a general rule, however, those who returned to the King's allegiance received restitution of their lands without other reward, and were absolved by the bishop of Chichester, to whom Guala had delegated full power of granting absolution.[6]

The various military events of the year can only be noticed briefly in this paper. Little concerning them appears upon the rolls of letters patent and close; and our know-

[1] He held them by letters patent dated July 24, 1215 (*Rot. Litt. Pat.* p. 150).
[2] *Rot. Litt. Pat.* p. 38. [3] *Ibid.* p. 65. [4] *Ibid.* p. 87.
[5] *Rot. Litt. Claus.* i. 299 *b*, 305 *b*.
[6] *Rot. Litt. Pat.* pp. 42, 59, 109.

ledge of them is chiefly derived from the French poem, 'L'Histoire de Guillaume le Maréchal.'[1] During the first four months of the reign Lewis captured several of the royalist castles, Hertford and Berkhamstead in December, Hedingham, Colchester, Norwich, and Orford shortly afterwards. But the most severe fighting took place in the southern counties. On January 27, 1217, Philip d'Aubigni was sent to succour the loyalists of Kent, Surrey, Sussex, Hampshire, and the Cinque Ports.[2] His forces, however, seem to have been inadequate, and the men of Rye were hard pressed by the enemy. Then Philip, described as the leader of the army of Christ, approached William the earl Marshal and others of the king's council at Dorking, by whom, on February 28, a large army of knights, serjeant crossbowmen, and Welshmen, having among its leaders the earl Marshal himself, the earls of Chester and Derby, the count d'Aumale, Fawkes de Breauté and Engelard de Cigogné, accompanied by Guala, a body of clergy and a multitude of crusaders, was sent to relieve the town.[3] Rye was relieved, though the date of its relief is unknown.[4] William Marshal, however, detaching himself from the main army, moved through Lewes to Shoreham, which he reached about March 4.

Meanwhile a council had been held at Melun to which messengers from the Pope came, threatening the kingdom of France with an interdict on account of the invasion of England.[5] Thereupon Philip summoned his son to another

[1] Edited by M. (Paul) Meyer for the Société de l'Histoire de France. Another valuable chronicle in which the history of the war is told at considerable length is *Histoire des Ducs de Normandie*, edited by the late Francisque Michel for the same society.

[2] *Rot. Litt. Pat.* p. 25. [3] *Ibid.* p. 108.

[4] That the town was taken by Lewis and retaken by the loyalists appears from letters patent dated September 16, 1220 (*ibid.* p. 249). Lewis had seized Winchelsea, but was hemmed in by the men of the Weald. He was unable to escape by sea because the neighbouring port of Rye was in the hands of the king's party, who had ships at their disposal. Eventually help came from France, Rye was taken, and Lewis left England (*Histoire des Ducs de Normandie*, pp. 182–187).

[5] *Memoriale Fratris Walteri de Coventria*, ii. 235; *Rogeri de Wendover Flores Historiarum*, ii. 206.

council to be held at the same place at Mid-Lent, which in this year fell on March 5. Shortly after the departure of Lewis, William the earl of Salisbury and William the eldest son of the earl Marshal returned to the king's allegiance. They surrendered at Knap castle,[1] near West Grinstead, through which the earl Marshal passed on his way from Shoreham to Farnham.[2] The two leaders had probably contemplated this course for some time, for three months earlier they had received letters of safe-conduct from the king of three days' duration.[3] Large numbers of the rebels followed their example; sixteen of them received restitution of their lands on March 15, thirty-three on March 20, and so on steadily until peace was established.[4] The earl Marshal, having laid siege to the castle of Farnham, which fell in the course of a few days, then proceeded to Winchester, having already directed his son and the earl of Salisbury to besiege the castle. He remained at Winchester for some weeks, during which the castle surrendered, and also the castles of Southampton, Marlborough, and Rochester. Before leaving Winchester he ordered the castle to be razed, having given similar orders on April 16 with respect to the castle of Chichester,[5] and on April 27, the day of his departure, with respect to that of Porchester.[6] The complete absence of all mention of these stirring events in the south of England in the chronicles of Roger of Wendover and Mathew Paris should be a useful caution against accepting them as exhaustive compilations.[7]

At the end of April the royalists besieged the castle of

[1] *L'Histoire de Guillaume le Maréchal*, ii. 208.

[2] The earl Marshal attested royal letters on March 4 at Shoreham; on March 5 at Guildford; and on March 7 at Farnham.

[3] *Rot. Litt. Pat.* p. 10. Dr. Stubbs held, on the authority of some letters close dated May 20, 1218, that the earl of Salisbury had attended the king's council at Oxford in January. I am satisfied, however, that the council mentioned in the letters close may have been and probably was held in the summer of 1217 (*Rot. Litt. Claus.* i. 319).

[4] *Rot. Litt. Claus.* i. 299.

[5] *Rot. Litt. Pat.* p. 57.

[6] *Ibid.* p. 62. Porchester must have been besieged and taken by Philip d'Aubigni after March 20, 1216 (*Rot. Litt. Claus.* i. p. 301 *b*).

[7] Walter of Coventry mentions that the king took the castles of Marlborough, Farnham, Winchester, and Chichester (*Memoriale*, ii. 236).

Mountsorel in Leicestershire, held by Henry of Braybrooke, a stubborn adherent of Lewis, of whom we are to hear more a few years later. Roger of Wendover gives the names of those who took part in the siege: Rannulph earl of Chester, William d'Aumale, William de Ferrières earl of Derby, Robert de Vieux Pont, sheriff of Cumberland, William de Chanteloup, sheriff of Warwickshire and Leicestershire, Philip Marc, sheriff of Derbyshire and Nottinghamshire, Fawkes de Breauté, sheriff of several counties, Brian de Lisle and Robert de Gaugi, all of whom had important castles in their custody.[1] These names illuminate the history of the war. It was a war not of battles but of sieges, carried on between rival castellans, and the failure of Lewis must have been chiefly due to the constancy and superior skill of those on the king's side. In the thirteenth century England was not a country in which horses were plentiful, and without horses there was little possibility of pitched battles. As in the days of Domesday, men still ploughed their fields and drove their wagons with oxen. The strong horse sometimes used for ploughing could have been of little use for military purposes, and pack-horses appear from monastic accounts to have been far from numerous. John's mercenaries had brought horses with them from over the sea, but transport must have been difficult, more especially across the Channel, over which Lewis had not secured command.

Lewis returned from France[2] about April 22, and sent a strong force to relieve Mountsorel and press on with the siege of the castle of Lincoln, which his supporters had already invested. His force relieved Mountsorel, but failed to take the castle, which was gallantly held by Nicholaa de la Haye, its hereditary warden. Then the royalists determined to raise the siege. On May 20, a large army which had assembled at Newark a few days earlier set out under the

[1] *Rogeri de Wendover Flores Historiarum*, ii. p. 208.

[2] According to the chronicle of Merton he landed on April 22. Petit Dutaillis, *La Vie de Louis VIII*, p. 514.

leadership of the earl Marshal. After a celebration of the Holy Sacraments, Guala exhorted the soldiers to fight, granted them remission of all the sins which they had truly confessed, and excommunicated Lewis and the citizens of Lincoln.[1] The army reached the city the following morning and found the enemy within the walls. But, although the gates of the city were guarded, the relieving army had access to the castle through a little gate in its wall which was outside the city, and through this gate Fawkes de Breauté was sent with his crossbowmen. From the castle, after hurling missiles which wrought great destruction, he burst with his men into the city itself, was taken prisoner, but rescued again. In the meantime the royalists had forced their way through a gate in the city wall close to the castle, so that the barons were attacked from two directions. The count de la Perche was slain; the earls of Winchester and Hereford, Gilbert of Ghent, whom Lewis had created earl of Lincoln, and some four hundred knights, were taken prisoners. There was little slaughter, but it was a signal victory for the royalists. After the battle the city was pillaged, and, the priests and canons having been excommunicated, not even the churches and the cathedral were spared. The battle was known as the Fair of Lincoln, and Roger of Wendover, who has described the events of that memorable day in detail, observes that before noon the good merchants had consumed everything. Those of the barons who escaped from Lincoln hastened to London; but many of them, it is said, were slain by the peasantry on the way. Pierre des Roches, bishop of Winchester, was among those who directed the military operations of the royalists. On May 23, the earl of Salisbury was directed to restore the castle of Mountsorel, which he must have taken, to Ranulph earl of Chester.

[1] Accounts of the battle at Lincoln are given by Roger of Wendover, *Flores Historiarum*, ii. 211; *L'Histoire de Guillaume le Maréchal*, ii. 220; *Histoire des Ducs de Normandie*, p. 194. For a criticism of the various accounts of the battle, see an able article by Professor Tout in the *English Historical Review* for April 1903.

In June, the archbishop of Tyre and the abbots of Cîteaux, Pontigny, and Clairvaux were sent to England to negotiate a peace.[1] Arrangements were made for four magnates of the council of Lewis and twenty-four horsemen meeting four of the king's magnates on June 12, at a place between Brentford and Hounslow.[2] The meeting was held at Stanwell between June 15 and June 21; William earl of Arundel and Peter FitzHerbert, two prominent members of the baronial party, also attended it, having received letters of safe-conduct to last from June 15 for eight days for the purpose of coming to the earl Marshal.[3] The negotiations failed to bring about peace, and on June 21 the French ecclesiastics had their letters of safe-conduct to the sea.[4] Peter FitzHerbert, however, and William earl of Arundel joined the king's party shortly afterwards and received restitution of their lands on July 13 and 14 respectively.[5]

In August, news reached the earl Marshal at Oxford that a French fleet was then on its way to succour Lewis at London. Passing through Farnham and Lewes the earl reached Romney on August 19; two days later he was at Canterbury, and on August 24 he reached Sandwich.[6] On that day an English fleet, which had been despatched, under Philip d'Aubigni, the leader of the army of Christ, Richard, the bastard son of King John, and Hubert of Burgh, shattered the French fleet in a great naval battle off Sandwich, which the earl himself may have witnessed from the shore.[7]

[1] Their letters of safe-conduct are dated June 6, 1217, *Rot. Litt. Pat.* p. 68. It would seem that a draft of the treaty of Lambeth was submitted to the magnates at the meeting, and that Guala refused to accept it without some alterations. The archbishop of Tyre sent a report to the Pope. See Bouquet, *Recueil*, xix. 635. In the index to the printed text of the Patent Rolls the archbishop is, through a pardonable error, described as of Tours. Not long after the departure of the archbishop, a Cistercian monk came to England and endeavoured to arrange a peace (*Histoire des Ducs* &c. p. 200).

[2] *Ibid.* p. 69. [3] *Ibid.* p. 70. [4] *Ibid.* p. 70.

[5] *Rot. Litt. Claus.* i. 314.

[6] The movements of the earl are taken from his attestations of royal letters.

[7] *L'Histoire de Guillaume le Maréchal*, ii. 259, 260; *Histoire des Ducs de Normandie*, pp. 200–2.

The entire credit of the victory has usually been ascribed to Hubert of Burgh; but Roger of Wendover, who gives a graphic account of the battle, omits all mention of his name. It is to a few words of Mathew Paris,[1] the successor of Wendover as chronicler of the abbey of St. Albans, that Hubert of Burgh owes his reputation as a great naval commander; but the accounts of the battle given by Wendover and most of the other chroniclers suggest that the credit of the victory must be shared by Hubert with the other royalist leaders.

The destruction of the French fleet ended the war. On September 11 peace was made by the treaty of Lambeth,[2] by which it was agreed (among other things) that the supporters both of Lewis and Henry should have their lands again as they had them at the beginning of the war; that the citizens of London and all other cities and burgesses should have their liberties; that all prisoners on either side taken after Lewis had landed in England should be released; that all English prisoners who had fought against King John should do homage to the young king; that the treaty should extend to Alexander the king of Scotland and Llewellyn of Wales, if they should wish it; and that Lewis was to release all his English followers from their oaths which they had taken to him of fealty; but that clerks were not to have the benefit of the first provision concerning restitution of their lands. It was also provided, though not expressed in the treaty, that the king should pay Lewis the sum of ten thousand marks to make good the expenses of his invasion.[3] Lewis himself marched disgirt and barefooted to the quarters of Guala and received absolution.[4] By a bull[5] dated January 13 the Pope confirmed the peace which had been made between Henry and Lewis 'by the mediation of his beloved

[1] *Chronica Majora*, iii. 28, 29.

[2] *Fœdera*, vol. i. part i. p. 148. As to the text of the treaty see p. 288, note 3, below.

[3] *Rot. Litt. Pat.* pp. 168, 284; *Rot. Litt. Claus.* i. 377. *Chronica de Mailros*, p. 131. [5] *Ibid.* p. 149; Bouquet, *Recueil*, xix. 648.

son Guala, the legate of the Apostolic See.' Alexander the king of Scotland, having been absolved at Berwick on December 1,[1] had a safe-conduct on December 17,[2] and two days later he had restitution of his lands in England.[3] Llewellyn, the prince of Wales, did homage to the king at Worcester in the following March.

Throughout the war the great earl Marshal, though more than eighty years of age, had devoted himself to the king's service. He spent a week in July at his castle of Strigoyl, but never once visited his principal manor of Caversham until peace had been firmly established.[4]

III.—The Constitution and the Minority

When the earl Marshal accepted the office of governor of the king and his realm, many of the functions of the king forthwith vested in him. He attested royal letters in his own name and during the first two years of the reign his own seal was the seal of the kingdom. But the person who attested royal letters controlled the general policy of the country; for without his consent no act could be performed in the king's name. The earl was assisted in his administration by Guala, whose constitutional position cannot be precisely defined. Guala was his coadjutor, but in some sense he was his superior, for the Pope whom he represented certainly claimed the right of removing the governor, and there can be little doubt that the claim could have been enforced, though probably with some difficulty. Proposals indeed were actually made for appointing Ranulph, earl of Chester, as his colleague, but they came to nothing.[5] The appointment could scarcely have been opposed by the earl Marshal, however much he might have resented it; for, doubtful about the

[1] *Chronica de Mailros*, p. 132. [2] *Rot. Litt. Pat.* p. 132.
[3] *Rot. Litt. Claus.* i. 148.
[4] These facts are apparent from his attestations of royal letters.
[5] On July 8, 1217. See Shirley, *Royal Letters*, i. 532.

state of his health, he had himself suggested on the death of John that Ranulph should be the regent.[1]

But although the earl Marshal was appointed governor as well of the king as of his realm, and was always so styled in official documents, he was unable to exercise the whole of his duties in person. It was quite impossible for him to travel from castle to castle, taking part in military operations, and at the same time to protect the young king. He therefore, on accepting office, at once committed the custody of the king to Pierre des Roches, bishop of Winchester, by way of delegation.[2] The king himself was deserted by his mother, who left England shortly after she became a widow.[3] His brother Richard and his sisters Eleanor and Isabel were brought up apart from him, and probably apart from one another, under the charge of trusted castellans; and his sister Joan remained with her mother in France. In this strange absence of all near relations Pierre des Roches had exceptional opportunities of ingratiating himself with his royal master, whose character he ought to have understood better than any other statesman of the reign.

At the beginning of the thirteenth century the person who came next in authority to the king was the justice. His functions were largely administrative. He presided at the half-yearly audit of accounts at the exchequer; he performed also various ministerial acts in the king's name and as his deputy. His judicial duties were by no means arduous. He might sit in the bench, or in the courts of the justices in eyre, over which he then presided; but his regular business was to consider those cases which, for one reason or another, were reserved for the consideration of the king. Later in the reign of Henry III. his office was divided, and his judicial duties were performed by a body of trained lawyers, who constituted the court afterwards known as the King's Bench.

[1] *L'Histoire de Guillaume le Maréchal*, line 15536. [2] *Ibid.* line 15610.

[3] Preparations were made for the Queen's departure at the end of July 1217 (*Rot. Litt. Pat.* p. 113; *Rot. Litt. Claus.* i. 315). She seems, however, to have remained in England for some weeks longer, as she took part in the negotiations for peace (*Histoire des Ducs* &c. p. 204).

Similarly his financial work at the exchequer was transferred to a body of men well versed in both law and finance, known as barons of the exchequer. But until this division took place he might be well described as the viceroy or king's deputy. Indeed, this description was actually used in the letters patent by which Pierre des Roches was appointed justice on February 1, 1214,[1] the words employed being, 'We have appointed our venerable father Pierre, bishop of Winchester, our justice of England, and in our place to keep our land of England and the peace of our realm.' So when the magnates at Gloucester committed the custody of the king and his realm to the earl Marshal, he was styled the justice, for henceforth his duties differed but little from those of the justice in normal times, except in this, that he had the care of an infant king as well as his kingdom.

The earl Marshal, then, derived his office as guardian of the king and his realm, or, as he was at first styled, justice, from the appointment of the magnates at Gloucester, made with the approval of Guala. But shortly after the issue of Magna Carta John had appointed Hubert of Burgh to be his justice,[2] and as such Hubert certainly had some claim to the custody of the realm during the minority of his heir. He was the viceroy, and might reasonably expect to continue in his office until John's heir was of sufficient age to appoint another. This claim may never have been actually made, but if it were the barons passed it over. They allowed him, however, to retain the office of justice, but henceforth he was the deputy, not of the king, but of the earl Marshal; he was vice-regent rather than viceroy. In this way there came to be two persons styled justices: Hubert, appointed by John, and the earl Marshal, appointed by the loyal barons. To avoid confusion, the title of 'governor of the king and his realm' was given to the earl.

In modern times, when an office is granted by letters

[1] *Rot. Litt. Pat.* p. 110.

[2] He was first so described in royal letters of June 25, 1215. *Rot. Litt. Pat.* p. 144 *b*; *Rot. Litt. Claus.* i. 217 *b*.

patent to be held during the king's pleasure, it becomes vacant by his death. But this doctrine cannot be said to have prevailed in the thirteenth century. In those days an office so granted remained in the hands of the grantee until a new appointment was made, and the proof of this proposition is to be found in contemporary practice. Thus Hubert of Burgh required no new letters patent to enable him to continue acting as justice of England. Similarly Geoffrey de Mareis, justice of Ireland, continued to hold his office without any letters patent of reappointment, and the same was the case with the sheriffs and castellans who had been appointed by John. Unlike the justices of England and Ireland, the chancellor was appointed, not by letters patent, but by the delivery to him of the king's seal. It is not known whether Richard de Mareis, who had held the office since October 29, 1214,[1] delivered the seal into the hands of the earl Marshal, and received it from him again, but in any case he remained chancellor until his death on May 1, 1226.[2] It is highly probable that the three great officials, the two justices and the chancellor, claimed the right to continue in office until the king's minority had determined; and this notwithstanding the fact that the earl Marshal was acknowledged to have power to issue letters patent and grant vacant offices in the king's name. Direct evidence of the claim is not forthcoming, but there are facts which point to it having been put forward. First of all, Geoffrey de Mareis neglected to account for the profits of his office, and it became desirable to appoint another justice in his place. If a new appointment could have been lawfully made, letters patent would have issued in favour of his successor without reference to the wishes of Geoffrey. This course, however, was not adopted, and Geoffrey was only induced to surrender his office after there had been negotiations between him and the king's council.[3]

[1] *Rotuli Chartarum*, p. 202.

[2] *Rogeri de Wendover Flores Historiarum*, ii. 307.

[3] *Rot. Litt. Pat.* pp 191, 263, 264, 265, 315, 316, 317; *Rot. Litt. Claus.* i. 476 *b*; Shirley, *Royal Letters*, i. 98.

Secondly, Richard de Mareis, the chancellor, seems to have grievously neglected his office, and to have left his duties to be performed by Ralph de Neville, the vice-chancellor. It is scarcely likely that he would have been permitted to enjoy the emoluments of his office while repudiating its burdens, if he could have been removed. Thirdly, we shall see that the sheriffs and castellans claimed to hold their bailiwicks throughout the king's minority, and the greater officers of state must have considered that they were entitled to the same privilege.

In the thirteenth century a sheriff performed numerous judicial functions, gathered a large part of the king's revenue, had the custody of one or more royal castles, and acted locally as the king's executive officer. At all times, but more especially in time of war, the king needed sheriffs in whom he had implicit confidence, for as wardens of his castles they held almost supreme military power in their counties. The sheriff who held securely a well fortified and well provisioned castle controlled not only the town in which the castle was situated, but also the surrounding country. It was for this reason that King John had appointed Fawkes de Breauté sheriff of six counties contiguous to one another—Northampton, Cambridge, Huntingdon, Bedford, Buckingham, and Oxford.[1] He was not a mere favourite of the king, but a soldier of conspicuous ability. In the early part of the thirteenth century the clerks of the Chancery evidently looked upon the custody of a castle as the chief work of a sheriff; for in the letters patent by which many sheriffs were appointed, the king grants the custody of a castle 'together with' a county; the county being considered an appurtenance only to the castle. Thus on June 25, 1215, King John granted the custody of the castles of Norwich and Orford 'together with' the counties of Norfolk and Suffolk to John Marshal to hold during the royal pleasure.[2]

[1] *Rot. Litt. Pat.* pp. 159 *b*, 169 *b*, 179. The letters patent by which he was appointed sheriff of Northamptonshire, Bedfordshire, and Buckinghamshire are not enrolled.

[2] *Ibid.* p. 144 *b*.

The earl Marshal, although he had power to issue letters patent, appointed no new sheriffs on the young king's accession, except in a few cases of necessity. John had appointed Savary de Mauléon sheriff of Hampshire,[1] but immediately after the council of Bristol he left England. As the war was raging in the southern counties and Winchester was actually in the possession of the enemy, his successor, Pierre des Roches, was not appointed until June 29, 1217.[2] Certain counties also were occupied by the enemy, and it seems to have been thought necessary to reappoint the old sheriffs. The following reappointments were made; William de Chanteloup to be sheriff of Warwick and Leicester on July 23, 1217; Hubert of Burgh sheriff of Norfolk and Suffolk, September 10, 1217; Matthew Fitzherbert sheriff of Sussex, September 15, 1217; and Robert de Vieux Pont sheriff of Cumberland, September 23, 1217.[3] John of Cornard was appointed sheriff of Essex and Hertford on November 6, 1217, in the place of Stephen Haringod,[4] who had been appointed sheriff of Essex on March 25, 1216, and of Walerand le Tyes, who had been appointed sheriff of Hertford on December 18, 1215.[5] The reason for the appointment of John of Cornard is not apparent, but he seems to have represented the earl Marshal, who, from Michaelmas 1217, acted as sheriff for the two counties, but accounted for their farm at the exchequer by John as deputy. The case of the shrievalty of Lincolnshire is interesting. On October 18, 1216, John had appointed the lady Nicholaa de la Haye and Philip Marc to be joint sheriffs of the county, the lady Nicholaa being or claiming to be hereditary warden of

[1] By letters patent of June 7, 1217. *Rot. Litt. Pat.* p. 186 *b*.

[2] *Rot. Litt. Pat.* p. 75. John Marshal, however, had been appointed sheriff of the county on March 21, 1217 (*ibid.* p. 44), and had received further letters patent of appointment on June 11, 1217 (*ibid.* p. 69). He was probably first appointed when the castle was taken by the royalists; and as the city was for a time abandoned when Lewis returned from France (*Histoire des Ducs &c.*, p. 192) a second appointment was considered necessary when it again fell into the king's hands. John Marshal seems to have been unwilling to accept the office of sheriff.

[3] *Ibid.* pp. 81, 90, 92, 94.

[4] *Ibid.* p. 121.

[5] *Rot. Litt. Pat.* pp. 172, 161.

Lincoln castle.[1] On May 24, 1217, William the earl of Salisbury was appointed bailiff of the city and county;[2] but the term 'bailiff' as applied to a county at this period meant 'sheriff.' He probably received the shrievalty, which was a lucrative one, as a reward for his return to the royalist party. But Nicholaa de la Haye, no doubt claiming that she had a right to the shrievalty as well as to the castle, obtained on October 30, 1217, the custody of the castle, city, and county.[3] The earl of Salisbury, however, was on December 4 again appointed bailiff of the county,[4] but the lady Nicholaa seems to have remained in possession of her castle. These facts point to some bargain having been made between the king's advisers and the earl before he joined the royalist party.

A dispute between Engelard de Cigogné and William de Warenne as to which of them was entitled to the shrievalty of Surrey shows that it was decided early in the reign that the sheriffs who had been appointed by King John claimed the right to continue in office until his successor attained his majority. Engelard had been appointed sheriff by John on April 22, 1216;[5] but of the nature of William's claim nothing is known. He had fought against John and his son, and it is not clear when he joined the royalist party again, though it must have been before June 12, 1217.[6] Possibly

[1] *Rot. Litt. Pat.* p. 199 *b*.
[2] *Ibid.* p. 65.
[3] *Ibid.* p. 117.
[4] *Ibid.* p. 130.
[5] *Ibid.* p. 178 *b*.

[6] The following facts should be noticed. On March 22, 1217, the regent directed him to cause the queen Isabel to have her dower in Stamford. This was an unusual mandate if the earl were then fighting against the king (*Rot. Litt. Claus.* i. 302). On April 16 the king ratified a truce between himself and his council on the one side and the earl on the other, to last for eight days from April 17 (*Rot. Litt. Pat.* p. 110). On May 9 the earl had letters of safe-conduct without term (*ibid.* p. 62). In letters close of June 11 he is described as 'dilectus et fidelis noster' and from other letters close of June 12, from which it appears that the manor of Ekington had recently been granted to him, he is described as 'fidelis noster.' He had restitution of the manor of Carlton and soke of Grantham on June 21 (*Rot. Litt. Claus.* p. 311), and of the manor of Easton on July 23 (*ibid.* p. 315); but no general order of restitution is mentioned on the roll of letters close. He was cousin to John, and his sister was the mother of John's bastard son Richard, who is called Ricardus de Warenna in letters close of November 24, 1222 (*ibid.* p. 523).

he made the grant of the shrievalty of Surrey a condition of his return to the king's allegiance, but there is no evidence that this was the case. On February 1, 1218, William le Tus was appointed sheriff to hold office until the dispute between Engelard and William de Warenne was settled.[1] Early in the following November Engelard, having pressed the king for better provision to support him in the royal service, received the manor of Bensington with the town of Henley, and a promise of 100 librates of land from the first escheats or marriages which came to the king's hands in the bailiwicks of Pierre des Roches or the earl Marshal or Fawkes de Breauté, and in the meantime an annuity of 50*l.* a year out of the king's treasury; but it was provided that he should receive neither the land nor the annuity if the king granted him the county of Surrey.[2] About the same time Engelard received letters of safe-conduct for him and his men coming to London to speak with the legate, the archbishop of Canterbury, the bishop of Winchester, and other magnates of England concerning the cause between himself and William de Warenne.[3] These letters of safe-conduct, coupled with the fact that the 100 librates of land were to be situated in the bailiwicks of three named sheriffs, suggest that Engelard anticipated force being used to deprive him of his rights. In the end William de Warenne acquired the shrievalty, and Engelard had to be content with the property which was granted to him by way of compensation.[4]

The mere fact that the dispute between Engelard de Cigogné and William de Warenne arose, and was considered judicially by the council, shows that it had been decided that John's sheriffs held office as of right during the minority. Otherwise the dispute would have been settled by the immediate appointment of one of the claimants or of a third

[1] *Rot. Litt. Pat.* p. 135.

[2] *Rot. Litt. Claus.* i. 403. This entry is misplaced on the roll and undated.

[3] *Rot. Litt. Pat.* p. 181. The letters are undated, but the date of the entry preceding them on the roll is Nov. 6.

[4] This is evident from the Pipe Rolls.

person without any consideration by the council. There can be little doubt that Guala and the earl Marshal acted prudently in allowing the sheriffs to continue in office. King John, whatever his imperfections may have been, possessed sufficient sagacity to choose sheriffs who were to be trusted to protect his castles. The regents who succeeded him would have incurred a heavy responsibility if they had appointed others in their places. Moreover, as the king's guardians were considered incapable of granting a fair or even a market in perpetuity, they could not reasonably be considered capable of transferring the custody of a castle or a county from one person to another.

Four of the sheriffs who held office at the king's accession have been described as aliens—Fawkes de Breauté, Pierre de Maulay, Ralph Musard, and Philip Marc ; and these four sheriffs seem to have enjoyed in a high degree the confidence of King John towards the end of his life. Fawkes, a Norman probably born in the king's allegiance, took his name from a village in the neighbourhood of Havre. John had appointed him sheriff of six contiguous counties, to support his cause in the civil war. Pierre guarded in Corfe castle two noble state prisoners, Eleanor, the sister of the murdered Arthur, and Isabel, the daughter of the king of Scotland ;[1] and it was in the same castle that Richard, the king's brother, was living at the time of the second coronation.[2] Ralph Musard was the warden of the castle of Gloucester, one of the most important in the kingdom ; and on the fall of Pierre de Maulay in 1221 Eleanor and Isabel were committed to his custody.[3] Philip Marc held the castle of Nottingham, and in June 1220 Eleanor, the king's sister, afterwards the wife of the emperor Frederic, was in his charge.[4] The confidence which King John and the advisers of his son Henry reposed in these so-called alien sheriffs rested on experience. Not one of them

[1] *Rot. Litt Pat.* p. 321.

[2] *Rot. Litt. Claus.* i. 417 *b*. The king's sister Eleanor was in the custody of Robert de Courtenay on February 5, 1224. *Rot. Litt. Pat.* p. 426.

[3] *Rot. Litt. Claus.* i. 508.

[4] *Rot. Litt. Pat.* p. 234.

could boast of illustrious ancestry or inherited wealth ; not one of them can fairly be described as a royal favourite. Men of action, soldiers brought over from France to defend their king and his kingdom, they owed their positions to their military talents. These men from the king's dominions across the sea helped in no small measure to place the heir of the Angevin house safely on the throne of England.

The king's castles were of two kinds : of some the sheriff was the warden, others were in the custody of a warden who was not a sheriff. Thus the sheriffs of Surrey and Hampshire were wardens of the castles of Guildford and Winchester respectively ; but the sheriff of Northamptonshire was not the warden of the king's castle of Rockingham ; nor was the sheriff of Gloucestershire warden of the king's castle of St. Briavels, though Rockingham lies in the county of Northampton and St. Briavels in that of Gloucester. The barons also possessed castles ; for instance, the earl of Devon possessed Plymton castle near Plymouth ; the Earl of Huntingdon, Fotheringhay castle in Northamptonshire, and the lords of the barony of Colville, Bitham castle in Lincolnshire. Similarly the bishops of Lincoln possessed the three important castles of Sleaford, Newark, and Banbury. In fact it may be said that a castle was annexed to most of the earldoms and greater baronies of the kingdom. These baronial castles often came into the king's hands by reason of a minority or forfeiture, and they were then treated for the time being as his own property. Then again there were some castles which belonged to the king, but which were under an hereditary warden or constable. They must be distinguished carefully from those castles in which the king had no right of property. In considering the significance of any royal mandate relating to a castle, it is of the utmost importance to ascertain to whom the castle belonged and in what capacity it was held at the time of the mandate.

It is no easy task to trace the early history of our English castles. The chroniclers aid us but little in determining their ownership, and the records of the Chancery begin only

with the reign of John. Much information about them may be obtained from the rolls of the exchequer, which begin as a series with the second year of the reign of Henry II., but its precise significance is often doubtful. It may appear, for instance, that in a certain year the king repaired a castle, but the information throws no light upon the ownership of the castle. Again, if we know that a castle was in the possession of a certain person, we may have no knowledge whether he held it hereditarily, or in right of his wife, or as the warden of an infant heir, or as a castellan during the king's pleasure. Then again we may find a sheriff holding a county and a castle hereditarily, and later we may find another sheriff holding the same castle and county at the king's pleasure. The question whether the king has deprived a lawful owner of his property or has acquired it by some good title may perchance remain unsettled for ever for lack of evidence. And as a dispute may arise between the king and a subject about the ownership of a castle, so the same dispute may arise between two of the king's subjects. In normal times it may be settled by the king's court; but in times of war and in times when the king is beyond the sea or under disability it may provoke an appeal to the sword. Loyalty and patriotism afford a fine pretext for armed intervention when men are quarrelling over castles; they can hardly be invoked where the quarrel is over the ownership of mere land. Yet even in the early years of Henry III., of which the rolls of the Chancery have been printed and carefully indexed, much must remain unknown about the custody and ownership of the castles; for the entries in which the wardens are mentioned are for the most part brief. They record merely that the king has appointed some person warden of a certain castle, without stating in what capacity the king made the appointment. Often, too, the letters patent by which the appointments were made are not recorded, and sometimes we only learn the name of a warden from letters patent or close in which he happens to be described as warden or constable. In such

cases great caution is needed; for a mandate relating to a castle is often addressed to the deputy-warden or sub-warden, and not to the warden himself. The word 'constable,' too, is sometimes applied to a warden, and at other times to his deputy. John of Ferentino, for instance, was described in letters close of January 23, 1223, as constable of the castle of Bristol, of which Pandulph was then chief warden.[1] But Walter Mauclerc, who had been appointed on February 13, 1222, sheriff of Cumberland and warden of the castle of Carlisle, jointly with Walter of Rughedon,[2] was described as constable of the castle in letters close of October 16 of the same year.[3] Similarly the word 'sheriff' was sometimes applied to a deputy sheriff. Fawkes de Breauté, when sheriff of Northamptonshire, described his own deputy as sheriff of that county;[4] and many other instances could be cited. There is, however, less difficulty in ascertaining particulars of the appointments of sheriffs than of wardens of castles; for the sheriffs accounted for their farms at the Exchequer, and their names and the duration of their shrievalties may be ascertained from the Pipe Rolls. The deputy wardens and sheriffs were as a general rule appointed by the sheriffs and wardens themselves, and not by the king. These apppointments are therefore of some interest as showing the confidence which prevailed between different men of note. We have already seen that Engelard de Cigogné and Philip Marc were deputies to Gerard de Athée;[5] and the fact that Andrew de Chanceaux acted as a deputy warden to Hubert of Burgh in Dover castle[6] shows that Hubert at least appreciated the military skill of the castellans for whose removal *Magna Carta* had provided.

We may now pause to consider the principles upon which the earl Marshal and the magnates may be supposed to have acted upon the death of John. No king of England since

[1] *Rot. Litt. Claus.* i. 530. Pandulph had been appointed warden on January 28, 1221 (*Rot. Litt. Pat.* p. 281).

[2] *Ibid.* p. 362.

[3] *Rot. Litt. Claus.* i. 513.

[4] Shirley, *Royal Letters*, i. 4.

[5] P. 250, above.

[6] P. 251, above.

the Norman conquest having come to the throne as an infant, the magnates were without any guiding precedent. But inasmuch as Henry succeeded his father by hereditary right, some of the ordinary rules which prevailed when an infant heir succeeded to his father's lands must have been studied to ascertain how far they might be made applicable to the young king. So different, however, were the circumstances that the rules which provided for the custody of an infant and his lands could scarcely be applied to the king's case; and the special arrangements which have already been described were therefore adopted. But there being a well-established rule of English law that an infant was incapable of making an irrevocable gift of land, it was at once recognised that no valid grant in perpetuity could be made by the young king or in his name during his minority; and this was officially stated by an ordinance made at the beginning of the third year of his reign.[1] The two years' delay is easily explained. The king had no seal until the date of the ordinance, and without a seal no valid grant in perpetuity could be made. It was only when a new seal was fashioned that it became necessary to declare formally this restriction upon its use. The fact that no royal charters, the instruments by which grants in perpetuity were as yet almost invariably made, proceeded from the Chancery during the king's minority, shows that the ordinance was rigidly observed.[2]

The next difficulty which had to be met was the duration of the minority. In English law an infant attained his majority at different times, according to circumstances; the tenant in socage, for instance, at fifteen, the tenant by knight's service at twenty-one.[3] It is quite clear that it was at first intended that the minority should determine, for some purposes at least, when the king had completed his fourteenth year. The earliest letters patent of the reign direct Brian de

[1] *Rot. Litt. Pat.* p. 177; *Fœdera*, i. part i. 152.

[2] The charter granted to Guala (*supra*, p. 328) on November 8, 1217, was quite exceptional.

[3] Sir F. Pollock and Professor Maitland, *History of English Law* (second edition), vol. ii. p. 438.

Lille to deliver to William de Ferrières, earl of Derby, the castle of Peak to hold until the fourteenth complete year of the king's age;[1] and there are several other mandates containing the same terms in the rolls of letters patent and close of the first year of the reign.[2] It is equally clear, however, that the intention that the king should for some purposes attain his majority on his fifteenth birthday was abandoned soon after it was conceived, for there are no references to this term in any of the rolls of subsequent years. The question was evidently left open.

The ordinance against grants in perpetuity placed no restrictions upon the use of the king's seal for attesting letters patent. Yet we have already seen that it was almost certainly recognised that no new appointments of sheriffs and castellans could be made except in cases of urgent necessity. This doctrine, however, was never officially recorded. The prohibition of grants in perpetuity required enrolment, for the use of future generations; otherwise it might afterwards have been claimed that a charter under the king's seal and in due form was valid notwithstanding his infancy. But a restriction on making grants of offices and positions of trust held during the king's pleasure only could be of no practical interest after it had determined, and it was one which could not easily have been defined with precision. There must have been differences of opinion as to how far it could be pressed. Some of King John's appointments must have been intended to be of brief duration only; but this would not have been readily admitted by those in whose favour they were made. The precedents to which we may suppose that the magnates looked for guidance in these matters were probably acts performed in England when the king was beyond the sea, and more especially those acts which the regents performed when Richard I. was abroad.

[1] *Rot Litt. Pat.* p. 1.

[2] *Ibid.* pp. 107, 112; *Rot. Litt. Claus.* i. pp. 299*b*, 312. It should be noticed that Philip Augustus had been crowned king of France shortly after his fourteenth birthday.

John himself had more than once left England for considerable periods, but he never travelled so far that he could not exercise a general supervision over the government of his kingdom. Unfortunately we have no rolls of letters patent and close from which we can trace the administrative history of the reign of Richard; and our knowledge of it, based on the meagre statements of the chroniclers, helps us but little. But the regencies in the reigns of Richard and John were in one respect very different from that in the minority of Henry III. When the two former kings left England they could give detailed instructions as to what might be done in their absence, and the return of the king was an event ever in the contemplation of the regents. On the death of John there were no detailed instructions to guide the magnates; they had instead a poor substitute, the vague and evidently hastily prepared will of the dead King.[1] By that instrument he committed the ordering and disposition of his will to the faith and disposition of his faithful subjects whose names were underwritten, and without whose counsel, even if he were in good health, he would do nothing; so that they should order and dispose of his property as well in making satisfaction to God and the Holy Church for the losses and injuries which he had inflicted upon them as in succouring the Holy Land and in supporting his sons in obtaining and defending their inheritance, in remunerating those who had faithfully served him, and in making distributions to poor men and houses of religion. The persons to whom he committed the ordering and disposition of his will were the following: Guala, Pierre des Roches, bishop of Winchester, Richard Poore, bishop of Chichester, Silvester of Evesham, bishop of Worcester, Brother Aymar de St. Maur, master of the Knights Templars, William the earl Marshal, Ranulph, earl of Chester, William de Ferrières, earl of Derby, William

[1] *Fœdera*, i. part i. 144; John Nichols, *Collection of all the Wills of the Kings and Queens of England*, p. 13; William Thomas, *A Survey of the Cathedral Church of Worcester*, p. 19. In all these printed copies the words 'nulla tenus in presentia eorum ordinarem,' which are obviously incorrect, occur. The true reading should be 'nullatenus inpresentiarum ordinarem.'

Briwer, Walter de Lacy, John of Monmouth, Savary de Mauléon, and Fawkes de Bréauté.[1] Vague as are the provisions of this will, some political significance must attach to it. The executors, for so we may call Guala and the other persons whom John directed to carry out its provisions, are, according to its written instructions, only concerned with the King's property. They are given no special authority to govern the realm or take charge of his children. Yet on January 17, 1217, the Pope directed Guala to restrain by ecclesiastical censure all those who hindered the execution of the will,[2] and it would seem from this that he considered that John had given to his executors considerable powers. It might have been disputed how great those powers were, or what acts they authorised, but the executors, protected as they were by the Church, must necessarily have occupied, in the early years of the new reign, a strong position in the government of the country. We may conjecture, too, that the magnates not only respected the written will, but also had regard to the last words and acts of the dying King. Many years afterwards Fawkes de Breauté, addressing the Pope, states that Pierre de Maulay had been compelled to surrender the castles which had been entrusted to him as well by Guala as by John himself against the oath which he had taken that he would not restore them until the young king had attained his majority.[3] There are many inaccuracies of date and of other details in the letter in which this statement occurs, but there is little reason for doubting that the oath which he mentions was actually taken. Pierre was high in the favour of John at the time of his death, and three royal infants remained in his charge in the castle of Corfe,[4] where John himself stayed for nearly a month in the summer before

[1] On April 14, 1219, when the earl Marshal died, Guala and Savary de Mauléon had left England, and the bishop of Worcester and the master of the Knights Templars were dead.

[2] *Calendar of Papal Letters*, i. 44; Pressutti, *Regesta*, p. 45, no. 248; Potthast, *Regesta* (omitted).

[3] *Memoriale Walteri de Coventria* (Rolls Series), ii. 260.

[4] P. 269, above.

he died.[1] But if Pierre took this oath, may we not suppose that other castellans did the like, and that John made some more detailed provision for the government of England during his son's minority than is contained in his written will? There is another point in the statement of Fawkes de Breauté which requires notice. The castles, he says, were entrusted to Pierre as well by Guala as by King John. It would seem from this that although the castellans were not re-appointed on the king's death by letters patent under the seal of the earl Marshal, their castles were formally delivered to them by Guala. The statement is confirmed by a letter dated May 10, 1220, from Pandulph, who succeeded Guala as legate, to Ralph de Neville, the vice-chancellor, in which he asks him to send the form under which Guala delivered castles to their wardens.[2]

IV.—Financial Problems

During the first year of the reign of Henry III. the machinery of the Exchequer remained idle; and although the civil war came to an end with the treaty of Lambeth on September 11, 1217,[3] the sheriffs rendered no accounts of the farms which would in time of peace have been due at the end of that month. The evidence of the Pipe Rolls leaves us in no doubt on this point. On the rolls of 2 Henry III. which record the accounts rendered at Michaelmas, 1218, the sheriffs accounted for their farms for one year only, namely for those of the year Michaelmas 1217 to Michaelmas 1218, and not one of them accounted for any arrears for the year Michaelmas 1216 to Michaelmas 1217, or for any arrears of farms which had accrued due in the reign of John after the date of *Magna Carta*. But as the whole of a farm was seldom paid or accounted for at the time when it became due, it is clear that the sheriffs accounted for no farms during the civil war. All ordinary official payments were suspended

[1] Hardy, *Itinerarium Johannis Regis*.
[2] Shirley, *Royal Letters*, i. 117.
[3] P. 288, note 2, below.

during the same period, and so a state of financial chaos prevailed. At this time the king's payments were for the most part made in one of two ways. Either he sent a writ called 'Liberate' to the treasurer and chamberlains of the Exchequer directing payment to be made out of the treasury; or he sent a writ called 'Computabitur'[1] to a sheriff or other accountant directing him to make the payment out of the farm which he had to pay annually at the Exchequer. With few exceptions it was to such accountants as mayors and reeves of boroughs, and not to the sheriffs of the counties, that writs of 'Computabitur' were addressed during the civil war; and it would seem from this that the king saw that it would be in vain to expect the sheriffs to account for their farms, derived as they were from manors scattered about their bailiwicks, though he hoped to collect those which were rendered to him by the boroughs which were under the protection of his castellans.[2]

The earl Marshal had the greatest difficulty in raising sufficient money to support the royal cause. He issued writs for the collection of a hidage, a tax of two shillings on every hide or ploughland of 120 acres, the proceeds of which were to be paid at Winchester on April 20, 1217.[3] There are no accounts which inform us how much was raised; but we know that the tax cannot have been collected

[1] The writ contains the words 'et tibi computabitur ad scaccarium.' To each such writ there is a corresponding writ of 'Computate' addressed to the barons of the Exchequer.

[2] Writs of 'Computabitur' were addressed during the war to persons who were not sheriffs on the following dates: In 1215, June 16, 29; July 2, 22, 23, 27; Aug. 2, 8, 11, 16, 17, 19, 21; September 20; Oct. 9, 15; Nov. 4, 13, 16; Dec. 23. In 1216, Jan. 7, 28; Feb. 23; March 7; April 4, 7, 14, 15; May 27; June 1, 27, Sept. 15. Similar writs were addressed to various sheriffs: in 1215, Dec. 18; in 1216, Jan. 7, March 27, 30, April 11, 12, June 2, Aug. 29; in 1217, Jan. 7, May 5. This list must not be taken as perfect; and it must be remembered that a sheriff might have to account for other revenues than his farm of his county. The writ addressed to Hervey Belet on March 30, 1216, which contains the following words, is instructive: 'Hanc autem solucionem facere, quia nisi eam indilate feceritis oportebit nos ipsos eam facere de denariis garderobe nostre, quod valde nobis ad presens grave erit et molestum.'

[3] *Rot. Litt. Claus.* i. 306 *b*.

in those counties in which Lewis still had power. Elsewhere, too, much of England lay waste and desolate and can have contributed little to the king's necessities. So grievous were his wants that the earl Marshal was obliged to have recourse to the king's wardrobe. With a lavish hand he applied precious stones and ornaments, rich silks and costly cloths, in meeting the expenses of the war and the administration.[1] He also advanced considerable sums out of his private estate.[2]

Shortly after peace had been made the earl Marshal summoned a council to meet at London on October 20. He directed the sheriffs to make careful inquiry in their counties and to inform him at this council what demesnes belonged to the king and who then held them.[3] This was obviously one of the first steps to be taken towards restoring financial order. The bailiffs, who had been in possession of the king's demesnes during the civil war, could no longer expect to retain them without accounting for their profits. The chief business, however, of the council was the consideration of a scutage which was granted at the rate of two marks a knight's fee, of which one mark was to be paid at the feast of St. Andrew, the other at that of St. Hilary.[4] It seems to have been required for the purpose of discharging or partly discharging the debt of 10,000 marks which Henry had been made to promise to pay to Lewis at the treaty of Lambeth.[5] The scutage, however, was not paid on the appointed days, and on February 22, 1218, further directions were given for the payment of the whole tax on March 25.[6] Provision was also made in November 1217 for raising a tallage from the boroughs and royal demesnes. The commissioners who were

[1] *Rot. Litt. Claus.* i. 602. [2] *Ibid.*

[3] *Ibid.* p. 336. It had been decided on or before September 29 to hold this council on October 20.

[4] *Ibid.* p. 371. [5] *Rot. Litt. Pat.* p. 125.

[6] *Rot. Litt. Claus.* i. p. 377 *b*. On February 22 the sheriffs were also ordered to cause the new issue of Magna Carta and the charter of the forest to be read in full county court, and the clause in Magna Carta which provided that adulterine castles should be razed to be observed.

sent through the counties to assess the tallage were directed to make inquiries concerning the king's escheats and the lands upon which men had entered by the sheriffs and bailiffs, but without the king's warrant, and to seize all such escheats and lands on behalf of the king.[1]

It appears that the number of escheats in Lincolnshire during the war was very large. As early as May 27, 1217, Simon Trussebut and his clerk Richard had been appointed wardens of all escheats and lands of the king's enemies in that county.[2] On June 12 Walter de Verdun had been associated with them in their work; but the lands of the king's enemies are not mentioned in the letters patent of association.[3] On October 9 the king announced to the knights and free tenants of the county that he had committed the custody of the soke of Geyton and all other escheats in the county to Simon and his clerk;[4] and on November 3 a similar announcement was made to the bailiffs and faithful men of the county, as well those of the city of Lincoln as elsewhere.[5] In the letters patent by which this last announcement was made, his clerk Richard was not associated to Simon Trussebut. In the following year two persons were appointed escheators in the county of Gloucester.[6] These appointments, however, were exceptional; but they are of some interest as part of the history of an important administrative department of state, established shortly afterwards and known as the escheatery.

The earl Marshal intended to hold the first session of the Exchequer on November 11, 1217; but he probably adjourned it for a fortnight.[7] There were many subsequent adjournments, and the sheriffs were called upon to account for their farms at intervals; the sheriff of Berkshire on the first day of the session, Ranulph, earl of Chester, sheriff of the counties of Lancaster, Salop, and Stafford, on the feast of St.

[1] *Rot. Litt. Claus.* p. 375; *Rot. Litt. Pat.* pp. 170, 171.
[2] *Rot. Litt. Pat.* p. 66.
[3] *Ibid.* p. 70.
[4] *Ibid.* p. 101.
[5] *Ibid.* p. 118.
[6] *Ibid.* p. 154.
[7] *Rot. Litt. Claus.* i. 328, 343.

Hilary; the sheriff of Herefordshire a fortnight after Easter;[1] but the dates on which most of the sheriffs were to account cannot be ascertained from the records. Internal evidence shows that the accounts which the sheriffs rendered at these sessions of the Exchequer are recorded on the Pipe Rolls, now known as those of 17 John,[2] and they are accounts of the farms for the half-year beginning with Michaelmas 1214 and ending with Easter 1215, that is to say, for the half-year immediately preceding the outbreak of the civil war. The arrangement was a fair one; for there was no reason why the sheriffs should not account for what they had received in that half-year. But it would have been almost impossible to take an account of what they had received during the war with any degree of equity, for they must have spent large sums in the royal cause without any lawful authority, and in many cases without making proper memoranda of the transactions. There was probably, however, a practical reason for the course adopted. During the civil war the records of the Exchequer fell into the hands of Lewis, who remained in possession of them until peace was made.[3] With the records in the hands of his enemies, the king lacked that certain knowledge of his revenue which he required in order to enforce its collection.

The financial relation which obtained between the king and his sheriffs has an important bearing on the history of the thirteenth century. At the beginning of the reign of

[1] *Rot. Litt. Claus.* pp. 340, 343, 376 *b*. [2] *Pipe Rolls*, no. 61.

[3] This statement rests on a clause in one of the texts of the treaty of Lambeth. The source of the text of the treaty printed in the *Fœdera* is not mentioned, but it agrees with that printed in the *Spicilegium* of Luc d'Achery (ed. 1723, tom. iii. 586), the source of which is thus described: 'Ex cartulario S. Egidii apud Pontem Audomari.' It is, however, somewhat remarkable that the treaty should have been sealed, as there expressed, by the king, as at the time he had no seal. The text of the treaty now in reference differs considerably from that in the *Spicilegium* and the *Fœdera*. It is printed in *Thesaurus novus Anecdotorum* of Edmond Martène and Ursin Durand, tom.i. 857, and its source is given as 'Ex MS. illustrissimi marchionis Daubais.' The treaty was in two parts, of which the text in the *Thesaurus* is the part executed by Lewis; but the names of the persons by whom it was sealed have been omitted.

John, the farms of the counties remained the same in amount as they had been early in the reign of Henry II. They depended upon an ancient valuation of the royal manors, which sadly needed revision, for land had risen in value, and the profits of the county court and certain other perquisites seem to have grown larger. The remuneration of the sheriffs had therefore increased, while the revenue which the king received through them remained stationary. In the reign of Richard I. men paid large sums to the king for shrievalties, and there was a tendency for them to become the perquisites of the wealthier barons.[1] King John endeavoured to remedy the growing evil. He insisted on the sheriffs accounting not only for their ancient farms, but also for the profits arising from the increased value of land and the growth of the local revenue.[2] On the Pipe Rolls this profit is described by the word *proficuum*, and there is nothing to show from what items it arose. We may assume, however, that the sheriffs were permitted to retain some items of their revenue, as they received no allowance by way of salary or expenses. The barons objected to this appropriation by the king of the *proficuum* of the sheriffs, and by *Magna Carta* they made John agree that the counties should be at their ancient farms without any increment. When, however, Guala and the earl Marshal issued the Charter a second time, in November 1216, this provision, with others which curtailed the king's revenue, was omitted. The treasury was empty, and it was not the time for making financial concessions. But though the new issue of the Charter afforded the sheriffs no relief, they had sufficient power to retain the *proficuum* for their own use during the greater part of the king's minority; and they accounted for their farms without any increment, just as their predecessors had accounted at the beginning of the reign of

[1] Madox, *History of the Exchequer*, ed. 1769, vol. ii. p. 139.

[2] It will be found from the Pipe Rolls that the sheriffs accounted for the *proficuum* from the year 7 John until the end of his reign. When the sheriffs accounted for the *proficuum* as well as for their ordinary farms, they are described on the rolls as accounting 'ut custodes.'

John.[1] As the allowance, non-allowance, or partial allowance of the *proficuum* determined to a large extent the class from which the sheriffs were drawn, its subsequent history becomes important.

V.—The Supremacy of Pandulph

On September 12, 1218, Pandulph, who had been bishop-elect of Norwich since 1215, was appointed legate in succession to Guala, who had asked leave to retire.[2] Mandates had already been issued on September 1 to the archbishops and other prelates, and to the earls, barons, and nobles of England, directing them to receive the new legate with honour, and to carry out his instructions;[3] and on September 5 the Pope had exempted him from obedience to his metropolitan until consecration, so that he might not be hindered in carrying out the commands of the apostolic see.[4] He is first described in our public records as legate in letters patent dated December 11,[5] and on the same day Guala is so described in letters close for the last time.[6] Pandulph was not one of the executors of King John's will, and he seems to have received no exceptional powers, such as those which had been granted to Guala by papal letters of January 17, 1217.[7] We should expect, therefore, to find him playing a less important part than Guala in the government of the country; but this was not the case.

The new legate had not long been in his office when the health of the earl Marshal began to fail. Hitherto all royal letters had been attested by the earl; but from November until the time of his death others from time to time took his

[1] When the king began to attest his own letters patent, the sheriffs were once again made to account for the *proficuum* 'ut custodes.' Later in the reign they farmed the *proficuum* itself, and they then ceased to account 'ut custodes' and began to account again as sheriffs. I have collected full particulars of the *proficuum* through the whole of the reign of Henry III., but they cannot be printed in this paper on account of the great space which they would occupy.

[2] Potthast, *Regesta*, No. 5905, *Calendar of Papal Letters*, p. 58. [3] *Ibid.*

[4] *Ibid.* [5] *Rot. Litt. Pat.* p. 182.

[6] *Rot. Litt. Claus.* i. 384. [7] P. 257, above.

place: Eustace of Falconbridge, the treasurer, on November 14, 1218; the king himself three days later; Walter of Cornhill, bishop of Coventry and Lichfield, on November 29 and again on February 23.[1] All the letters attested by these persons were writs of 'Computabitur,' and it is possible that they were issued in some haste. Pierre des Roches attested royal letters for the first time on November 13;[2] in December several times, and from the end of that month until April 20 almost as frequently as the earl Marshal himself.[3] The following table gives the places of attestation, the dates and the names of attesting persons, from March 13 to April 20:[4]

The Tower	March 13, 14, 15	The earl Marshal
Caversham	March 20, 24, 28	,, ,,
,,	April 2	Pierre des Roches
,,	April 4, 9	The earl Marshal
Reading	April 10, 11, 12	Pierre des Roches
Wallingford	April 15	,, ,,
Oxford[5]	April 18	,, ,,
,,	April 20	Hubert of Burgh

It will be seen that the earl Marshal attested royal letters for the last time on April 9, and Hubert of Burgh for the first time on April 20. After this last date Hubert took the earl's place, and it is he who ordinarily attests royal letters until December 10, 1223. When, however, Hubert for any reason was unable to act, Pierre des Roches acted for him, just as he had acted for the earl Marshal. There are also a few cases of attestations by other persons, such as Eustace of Falconbridge, Walter of Cornhill, bishop of Coventry and Lichfield, William, bishop of London, Martin of Patishill, and William Briwer.[6] The attestations, however, by these persons were exceptional.

These particulars taken by themselves would suggest

[1] *Rot. Litt. Claus.* i. 382, 388.

[2] *Rot. Litt. Pat.* p. 179.

[3] *Ibidem passim*, *Rot. Litt. Claus. passim.*

[4] *Ibid.* pp. 389, 390, 405.

[5] A council was summoned to meet at Oxford on the Wednesday after the close of Easter (April 23), at which certain arduous business touching the state of the king and his realm was to be transacted (*Rot. Litt. Claus.* i. 405).

[6] The bishop of Coventry attested letters on May 16, June 7, 1219 (*Rot. Litt.*

that Hubert succeeded the earl Marshal as governor of the king and his realm. It is true that Hubert was still styled justice only; but the earl himself had been so styled until the date of the Council of Bristol. The French poem, however, 'Histoire de Guillaume le Maréchal,' shows that Hubert was not the earl's successor.[1] The earl, we are informed, was taken ill at Candlemas, but rode to London in spite of his illness. He remained there till Lent with the countess. When he found himself worse he occupied himself with his will. He then gave directions for his removal to Caversham, as he had no wish to remain longer in the town. The chronology of the poem is faulty, but mistakes in dates are of little consequence so long as the sequence of events is correct. After the earl had reached Caversham a council was held, so the poem states, at Reading, which the king, the legate, and the chief justice and many other barons attended. This must have taken place on April 10, 11, or 12, when Pierre des Roches attested royal letters at Reading, one letter on April 12 having been attested in the presence of the legate. Then the earl, we are told, addressing the king, informed him that it was necessary for the barons to choose somebody to protect him and his kingdom. Thereupon Pierre des Roches asserted that though the kingdom had been committed to the earl, the king had been committed to him. The earl replied that it was only after he had himself received the king that he delivered him to the bishop, because the child was too young to travel. Then the earl addressed the legate, telling him to go, and if he pleased to bring the king with him the next day; saying also that he would take counsel with his sons and his men and would endeavour to make the best choice. The next morning the earl sent for his son, the countess, John Marshal, and those of his men in whom he had most confidence, and informed

Claus. i. 391 *b*, 392); the bishop of London on April 23, 1220 (*ibid.* p. 416 *b*); Martin of Pattishill Feb. 15, 1220 (*ibid.* p. 435), and William Briwer on Oct. 8, 1220 (*ibid.* p. 472).

[1] The statements which follow are based on the excellent summary of the poem by its editor M. (Paul) Meyer (*L'Histoire &c.* iii. 283 to 286).

them that he had decided to entrust the king to God and the Pope, and especially to the legate in their place. Presently the king arrived, accompanied by the legate and some other magnates. The earl, taking the king by the hand, said that he wished in the presence of them all to deliver him to God, the Pope, and the legate, who represented them. Those who were present then withdrew. Next we are told that the earl requested John Marshal to tell his son to go and deliver the king to the legate in the presence of the barons. His son went and took the king by the hand and before them all presented him to the legate. Pierre des Roches stepped forward and himself took the king by the hand; but the young Marshal told him that his efforts were in vain, and that he himself would do what his father had ordered. The legate was irate against Pierre and received the child again.

There can be no reasonable doubt that this account, which was written very shortly after the earl's death, is substantially correct. We may suspect that very much more was said at the time than the biographer relates; but the speeches of the magnates could be of little concern to him, if they supported the earl's action. Perhaps, too, undue stress is laid upon the demand of the bishop, and if so it may be due to political antagonism between him and the son of the earl, who, with John of Early, caused the poem to be written.[1] The earl certainly trusted Pierre des Roches at the beginning of the reign, for it was to him that he committed the custody of the king. He seems to have trusted him also in his last days; for after the council of Reading had been held, the dying man[2] asked Pierre to be one of the executors of his will. It is easy to believe that the earl wished to deliver the custody of both the king and his realm to the same person, and that Pierre protested, without assuming that the earl thought the bishop an unsuitable guardian.

So Pandulph succeeded the earl Marshal as regent, not

[1] *L'Histoire &c.* tom. iii. pp. iv–vii.

[2] *Ibid.* tom. iii. p. 258. The earl Marshal died May 14, 1218.

by virtue of his appointment as legate, but in pursuance of the wishes of the earl, which the magnates of England ratified. But Pandulph took a less active share than the earl in the government of the country. He not only delegated the care of the young king to Pierre des Roches, as the earl had done, but also delegated some of his administrative functions to Hubert of Burgh. Thus it is that we find Hubert attesting royal letters, although he was not the regent. Probably the Pope objected to his performing all the duties of his predecessor, for limits were recognised to the secular work of ecclesiastics. Innocent III. had prohibited Hubert Walter, when archbishop of Canterbury, from acting as justice, though he had no objection to his holding the clerical and less political office of chancellor.[1] But that Pandulph certainly occupied the first place in the government after the resignation of the earl Marshal is proved by his correspondence, of which much has fortunately been preserved. This is no isolated opinion. The late editor of the 'Royal and other Historical Letters illustrative of the Reign of Henry III.' says in his preface : 'It was understood or discovered that the disruption of the regency had left the first place in the State open to Pandulph. In the name of his master we find him writing to the justiciar and des Roches as the haughtiest of the Plantagenets might have written to his humblest minister.'[2] Similarly the historian Pearson, in his 'History of England during the Early and Middle Ages,' says : 'By the death of the earl Marshal a few months after this appointment the legate was left incontestably the first man in the country.'[3] The title, 'governor of the king and his realm,' which the earl Marshal had used, was discontinued on his resignation, Pandulph being described simply as 'legate' during the period of his supremacy. In the statement of the charges made against Hubert of Burgh in 1239 it is stated that Guala (but Pandulph is meant),

[1] *Chronica Rogeri de Hoveden* (Rolls Series), iv. 48. Richard de Mareis, however, received papal letters confirming him in the office of chancellor on his promotion to the see of Durham (*Calendar of Papal Letters*, i. 62).

[2] Vol. i. p. xx.

[3] Vol. ii. p. 124.

by the common consent and provision of the whole realm, was, after the death of the earl Marshal, first and chief counsellor of the whole realm.[1] Thus Pandulph's position was very different from that of Guala, who acted rather as a coadjutor to the earl Marshal than as his superior, and derived his authority from his appointment as legate, and from special powers conferred upon him by the Pope. Pandulph, though legate, was himself the regent and was accepted as such by the magnates of England on the nomination of his predecessor. Moreover the work of Guala differed in character from that of Pandulph. Guala was, as it were, a soldier fighting hard with spiritual weapons. Pandulph was an administrator carrying on the work of a civilian in time of peace. Hubert's position was also somewhat different from what it had been during the earl Marshal's regency. He had hitherto been vice-regent to the earl, now he was vice regent to Pandulph; but the earl was a more active regent than the legate, and consequently Hubert had additional duties to perform. He became a man of greater power in the State. Still it must always be remembered that Hubert was subordinate to Pandulph, on whom, until he ceased to be legate, the chief responsibility for the government rested. In a subsequent part of this paper I hope to deal with the work of these two great men.

[1] *Matthæi Parisiensis Chronica Majora, Additamenta* (Rolls Series), vi. 64.

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REPORT OF THE COUNCIL, SESSION 1902–1903.

THE Council of the Royal Historical Society present their Annual Report to the General Meeting of the Fellows.

The following Papers and Communications were read during the past Session:—

"The English Armies in Flanders, 1656–1660." By C. H. Firth, LL.D.

"The Premonstratensian Order in England." By the Right Rev. F. A. Gasquet, D.D.

"The Bondmen of the Elizabethan Age." By Alexander Savine.

"Italian Bankers and the English Crown down to the failure of the *Societas Ricardorum* of Lucca." By R. J. Whitwell.

"The Development of Industry and Commerce in Wales before the Act of Union." By E. A. Lewis.

"Sir Robert Wilson in the Peninsular War." By Professor C. W. Oman, M.A., F.S.A.

The first five of the above have been printed in *Transactions*, N.S. Vol. XVII.

The President delivered his Annual Address on February 19, 1903. This also has been printed in *Transactions*, Vol. XVII.

The Alexander Medal for the year 1902 was awarded, on the recommendation of the Examiners, to Miss Rose Graham, formerly of Somerville College, Oxford, for the Essay on "The Intellectual Influence of English Monasticism," which has been printed in *Transactions*, Vol. XVII.

The following subjects for the Alexander Medal were announced for the year 1903:—

"The English Wool Trade in the Fourteenth Century, with reference to its Political, Constitutional, and Economic Effects."

"The Attempt to Establish a Balance of Power during the Second Half of the Seventeenth Century."

In addition to the current volume of *Transactions* (N.S. XVII.) the following volumes of *Publications* have been issued to the Fellows and Subscribing Libraries:—

Bibliographies of Dr. Creighton, Dr. Stubbs, Dr. Gardiner, and Lord Acton. Edited by W. A. Shaw, Litt.D.

Camden Third Series, Vol. VI.—Collectanea Anglo-Premonstratensia, Vol. I. Edited by the Right Rev. F. A. Gasquet, D.D.

The proceedings of the Committee for furthering Advanced Historical Teaching in London, which were referred to in previous Reports, have been described in the President's last Address, printed in the current volume of *Transactions*. The further results of the Classes and Seminars held at the London School of Economics have been submitted to the Committee, and are considered to be highly encouraging. The Council once more take this opportunity of calling the attention of the Fellows to the importance and value of the Scheme of Advanced Historical Teaching which has been set on foot by the Committee referred to, and wish to point out that it will depend entirely upon the support given by Historical Scholars in this country whether or not the classes can be continued beyond the year 1904.

During the past Session an invitation was received for the attendance of Delegates of the Society at the Historical Congress in Rome. Mr. Frederic Harrison, V.-P., Mr. Oscar Browning, V.-P., Sir J. H. Ramsay, Bt., and Sir Frederick Pollock, Bt., were appointed to represent the Society.

A revised Catalogue of the *Transactions* and other Publications of the Historical Societies at home and abroad which exchange with this Society has been printed in *Transactions*, Vol. XVII., and active steps are being taken to complete the several series.

The Librarian reports that during the past Session a slip catalogue of the Library has been begun. One hundred and twenty books and pamphlets have been added to the Library. Of the additions, 7 were acquired by purchase, and 113 by exchange and presentation. During the year ended October 31, 1903, 50 volumes were rebound.

During the past year the Society has had to deplore the deaths of two more of its most distinguished Members and Vice-Presidents—the Rt. Hon. W. E. H. Lecky, M.P., Hon. Vice-President, and the Hon. G. C. Brodrick, Vice-President, who had shortly before his death resigned the Wardenship of Merton College, Oxford. It is understood that Mr. Brodrick has left an important historical work in an advanced state of preparation for the press.

Among Honorary Fellows the death of Professor Theodor Mommsen claims especially notice and regret. His death removes the greatest Master of the study of Roman finance, politics, and constitutional law.

Sir Frederick Bramwell, though his energies were absorbed by a profession of which he was in some ways the acknowledged head in England, had for some years been a Fellow of the Society, and was much interested in its objects. In Sir C. Henry Davies, K.C.S.I., the Society has also lost a distinguished member.

In accordance with By-law IV. (of the old By-laws) the following Vice-Presidents retired in rotation :—

Mr. Oscar Browning,
Mr. H. E. Malden,

and were re-elected.

Lord Edmond Fitzmaurice, M.P., resigned as a Vice-President, and was elected an Honorary Vice-President.

The Rt. Rev. F. A Gasquet was elected a Vice-President.

The following Members of the Council retired in rotation under the same By-law :—

Rev. J. Silvester Davies (re-elected),
Sir J. H. Ramsay, Bt. (re-elected),
The Rt. Rev. F. A. Gasquet (elected a Vice-President),
W. J. Corbett (re-elected).

The vacancy thus created in the Council was filled by the election of Mr. F. Haverfield.

The Rev. J. Neville Figgis resigned, the vacancy being filled by the election of Lieut.-Colonel E. M. Lloyd, R.E.

The Council co-opted Mr. T. Seccombe to complete the statutory maximum of the Council.

At the end of the Session the Director and Hon. Secretary, Mr. Hubert Hall, wishing to be relieved of the Secretarial duties, the Council with much regret accepted his resignation of the Secretaryship while retaining his services for the Society as Literary Director. The Council wish to put publicly on record their sense of the great debt which the Society owes to the services of Mr. Hall as Secretary during many and sometimes anxious years.

Mr. H. E. Malden, Vice-President, was elected as Honorary Secretary.

The Treasurer reports that the total membership of the Society on October 31, 1903, included 648 Honorary, Corresponding, Life, and Ordinary Fellows and Subscribing Libraries on the Roll. Of the above 28 are Honorary Fellows, 22 are Corresponding Members, 105 are Life Fellows, 63 are Ordinary

Fellows paying £1. 1*s.* subscription under the old regulations, 242 are Ordinary Fellows paying £2. 2*s.* under the new regulations, 52 are former Members of the old Camden Society paying £1, and 136 are Subscribing Libraries who also pay £1, together with 51 British or Foreign Societies which exchange *Transactions* with the Society, and 6 Institutions to which the Society's *Transactions* or Publications are presented.

The number of Fellows joining the Society has been well maintained, and the membership of Libraries has increased. Though not strictly falling within the period covered by this report, the accession since the last report was issued of the British Museum, the Bodleian, the Cambridge University, and the Durham University Libraries to the Society, in addition to others abroad of similar distinction, may be mentioned as a gratifying proof of the progress which the Society has made.

The Council append to their Report the Treasurer's statement of the financial position of the Society from November 1, 1902, to October 31, 1903.

The official Information concerning the Society, the Charter, By-laws, List of Fellows, and Subscribing Libraries; with a catalogue of the Publications of the Society, and a List of the Periodicals of Learned Societies in the Library, are printed in *Transactions*, Vol. XVII.

ROYAL HISTORICAL SOCIETY.—BALANCE-SHEET FOR THE YEAR ENDING OCTOBER 31, 1903.

1902.					£	s.	d.	£	s.	d.
Nov. 1 to Oct. 31, 1903.	To Balance at L. & S. W. Bank as per last Balance-Sheet							138	18	10
	,, Cash Subscriptions 2 at 20*s.* for 1901				2	0	0			
	,, ,, 53 ,, 1902				53	0	0			
	,, ,, 162 ,, 1903				162	0	0			
	,, ,, 3 ,, 1904				3	0	0			
								220	0	0
	,, ,, 20 at 21*s.* for 1902				21	0	0			
	,, ,, 68 ,, 1903				71	8	0			
	,, ,, 2 ,, 1904				2	2	0			
								94	10	0
	,, ,, 4 at 42*s.* for 1901				8	8	0			
	,, ,, 43 ,, 1902				90	6	0			
	,, ,, 200 ,, 1903				420	0	0			
	,, ,, 3 ,, 1904				6	6	0			
								525	0	0
								839	10	0
	,, ,, 2 Life							42	0	0
	,, Russian Dividends on Stock							3	14	8
	,, Publications Sold							21	9	11
								£1,045	13	5

1902.		£	s.	d.
Nov. 1 to Oct. 31, 1903.	By Insurance (1902–3)	3	18	0
	,, Salaries (Director's, Librarian's, and Travelling Expenses of Hon. Secretary, 1903–4)	203	10	0
	,, Binding *Transactions*, &c.	7	1	9
	,, Alexander Medal	3	3	0
	,, Printing and Stationery	328	11	8
	,, Editing and Indexing	91	0	6
	,, Advertising	7	16	6
	,, Sundry Petty Cash Payments	48	5	8
	,, Refreshments	7	10	0
	,, Societies' Subscriptions	9	9	0
	,, Rent, Rates, Taxes, Electric Light, and Coals	100	16	6
	,, Carriage of *Transactions*	7	9	8
	,, Entertainment in January 1904	10	0	0
	,, Purchase of Manuscripts	2	2	0
	,, Photographs for Camden Publications	3	6	0
	,, Bureau, &c., for Library	11	4	8
	,, Two-thirds of Life Composition to Deposit Account	14	0	0
		859	4	11
Oct. 31	To Cash Balance at London and South Western Bank	186	8	6
		£1,045	13	5

RESERVE FUND FOR THE YEAR ENDING OCTOBER 31, 1903.

	£	s.	d.	£	s.	d.
To Balance November 1, 1902				916	0	0
,, Dividends on £849. 9*s.* 9*d.* 2½ % Consols	£21	1	8			
,, Life Composition	14	0	0			
,, Interest on Deposit at L. & S. W. Bank	1	9	1			
				36	10	9
				£952	10	9

1903.		£	s.	d.
Oct. 31.	By £849. 9*s.* 9*d.* 2½ % Consols and Brokerage	855	5	3
	,, Deposit Account at London and South Western Bank	97	5	6
		£952	10	9

	£	s.	d.
Alexander Medal Trust Fund	98	17	6

1903.		£	s.	d.
Oct. 31.	By Russian 4 % Bonds deposited at the London and South Western Bank	98	17	6

We have compared the entries in the books with the vouchers from November 1, 1902, to October 31, 1903, and find them correct, showing the Receipts (including £138. 18*s.* 10*d.* Balance brought forward) to have been £1,045. 13*s.* 5*d.*, and the Expenditure to have been £859. 4*s.* 11*d.*, leaving a Balance of £181. 8*s.* 6*d.* at the London and South Western Bank October 31, 1903, in favour of the Society. The Bank of England Certificate, showing Consols £849. 9*s.* 9*d.*, and Brokerage, and the London and South Western Bank Certificate for £97. 5*s.* 6*d.* on deposit and accrued interest thereon, were also produced.

J. FOSTER PALMER
R. DUPPA LLOYD
WILLIAM J. CORBETT
} *Auditors.*

November 1, 1903

INFORMATION RESPECTING THE SOCIETY
CHARTER OF INCORPORATION
BY-LAWS
LIST OF FELLOWS
AND SUBSCRIBING LIBRARIES
LIST OF PUBLICATIONS

AND

CATALOGUE OF FOREIGN TRANSACTIONS AND PERIODICALS IN THE LIBRARY OF THE SOCIETY

(*Corrected to* 31*st October* 1904)

INFORMATION RESPECTING THE SOCIETY

Royal Historical Society.

(INCORPORATED BY ROYAL CHARTER.)

PATRON:
HIS MAJESTY THE KING.

PRESIDENT:
G. W. PROTHERO, Esq., Litt.D., LL.D.

I. The Historical Society was founded in the year 1868, by the then Archbishop of York, the late Earl Russell, the late George Grote, the late Dean of Westminster, Sir John Lubbock, Bart. (now Lord Avebury), the late Earl of Selborne (then Sir Roundell Palmer), and other eminent men of the day, its main objects being to promote and foster the study of History, by assisting in the publication of rare and valuable documents, and by the publication from time to time of volumes of Transactions and Publications.

II. In the year 1872 the Society, through the Secretary of State (the late Right Hon. H. A. Bruce, afterwards Lord Aberdare, G.C.B., for many years President of the Society), received the official permission of Her late Majesty Queen Victoria to adopt the title Royal Historical Society. In the year 1887 Her late Majesty was pleased to become Patron of the Society, and was also pleased to cause Letters Patent, dated July 31, 1889, to be passed under the Great Seal, granting to the Society Her Majesty's Royal Charter of Incorporation. Upon His accession to the Throne His Gracious Majesty King Edward VII. was pleased to become Patron of the

Society in succession to Queen Victoria. On May 2, 1897, the Camden Society was amalgamated with the Royal Historical Society, and the Camden Series of Publications was transferred to the latter Society.

III. The Society consists of a President, Fellows, and Honorary Fellows and Corresponding Members, forming together a body, at the present time, of nearly seven hundred Members. The principal States of Europe and America, British India, and the Colonies are represented by Honorary or Corresponding Fellows.

IV. The Annual Subscription to the Society is *Two Guineas;* and at present there is no entrance fee. Fellows may, on joining the Society, or afterwards, compound for all future subscriptions upon the payment of *Twenty Guineas.* Libraries may be admitted to the Membership of the Society for the purpose of receiving its publications on payment of an annual subscription of *One Pound.*

V. The Fellows of the Society and Subscribing Libraries in Great Britain receive gratuitously a copy of each of the Society's Transactions and Publications during the period of their subscription. It is desirable that Foreign Libraries should appoint an Agent in London to whom the Publications may be delivered for transmission.

The annual Publications of the Society include a volume of Transactions containing selected Papers read at the Society's Ordinary Meetings, together with the texts of the most valuable of the original documents which may be communicated to the Society from time

to time by historical scholars. In addition to this volume, the Council will endeavour to continue the regular production of a uniform series of Publications (in the style of the Camden Series of Publications), at the rate, if possible, of two volumes in every year. In the interests of the Membership of the Society, the Council have recently decided that the Publications of the Society shall in future be published by the Society alone, and shall be issued only to Fellows and Subscribing Libraries. Arrangements have been made by which back volumes, as far as the stock permits, can be supplied to newly-elected Fellows at a moderate price.

VI. Ordinary Meetings of the Society for the reading of Papers and discussions thereon are held from November to June, on the *third* Thursday in each month, at 5 P.M. The Anniversary Meeting is held on the third Thursday in February, when the Report of the Council is presented to the Fellows, and the President delivers his Annual Address.

VII. The Library of the Society, at 3 Old Serjeants' Inn, Chancery Lane, W.C., is open to Fellows daily, from 2 to 6 P.M. (Saturdays, 10 A.M. to 2 P.M.) The Library will be closed between August 15 and September 15, during Christmas week, during Easter week (for cleaning purposes), on Whit Monday and Whit Tuesday, and on His Majesty's Birthday and Coronation Day, June 24.

Books may be taken out by Fellows on signing a ticket for the same, but no Books may be kept out for a longer period than one month. Maps, MSS. and Periodicals must not be taken from the Library. Fellows are responsible for Books used or taken away

by them. No writing of any kind may be made upon Books or MSS. Owing to the limited space available for general historical literature, the Council must reserve the right to decline donations of books which may appear unsuitable.

VIII. All literary communications, proposals for Papers to be read before the Society, or for Historical documents or relics to be exhibited at the ordinary Meetings, should be addressed to the Director,

3 Old Serjeants' Inn, Chancery Lane, W.C.

All communications respecting the Library should be addressed to the Librarian,

3 Old Serjeants' Inn, Chancery Lane, W.C.

All subscriptions, unless paid by Banker's Order, should be sent to the Treasurer,

3 Old Serjeants' Inn,
Chancery Lane, W.C.

The attention of Fellows is directed to By-law XI. on this subject.

Communications on all other subjects should be addressed to the Hon. Secretary,

3 Old Serjeants' Inn, Chancery Lane, W.C.

No. I.

FORM OF A CANDIDATE'S CERTIFICATE.

Certificate of Candidate for Election.

Name, ...

Title, Profession, or Occupation, ...

Residence, ...

Qualifications, ...

being desirous of admission into the ROYAL HISTORICAL SOCIETY, we the undersigned recommend him as a fit and proper person to be admitted as a Fellow.

Dated this ..... day of ..... 190.....

..... *F.R. Hist. Soc.* } *From personal knowledge.*

..... *F.R. Hist. Soc.* } *From general knowledge (one signature required by Rule II.)*

..... *F.R. Hist. Soc.* }

Proposed ..... 190.....

Elected ..... 190.....

Copies of this Form may be obtained on application to THE HON. SECRETARY *3 Old Serjeants' Inn, Chancery Lane, W.C.*

No. II.

A VOTE by ballot, when necessary, shall be conducted in the usual manner, and the Secretary shall cause Voting Papers to be prepared for that purpose in the following form :—

VOTING PAPER.

Election held ..... **19** .....

Candidates for the office of President:	1.	.....
	2.	.....
Vice-President:	**Retiring Vice-Presidents who offer themselves for re-election.**	
	1.	.....
	2.	.....
	Candidates nominated under Rule XVIII.	
	3.	
	4.	.....
For the Council:	**Retiring Members who offer themselves for re-election:**	
	1.	.....
	2.	.....
	3.	.....
	4.	.....
	Candidates nominated under Rule XVIII.	
	5.	.....
	6.	.....
	7.	.....
	8.	.....

Fellows shall record their votes by putting a cross against the names of the Candidates in whose favour they wish to vote. If any Fellow shall record his vote for more Candidates than there are vacancies, his Voting Paper shall be void.

CHARTER OF INCORPORATION

CHARTER OF INCORPORATION

OF THE

ROYAL HISTORICAL SOCIETY.

Victoria, BY THE GRACE OF GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, TO ALL TO WHOM these Presents shall come, Greeting;

WHEREAS Our right trusty and well beloved Councillor, Henry Austin, Baron Aberdare, Knight Grand Cross of Our most Honourable Order of the Bath, Fellow of the Royal Society, has by his Petition humbly represented unto Us, That in the year one thousand eight hundred and sixty-eight, His Grace the Archbishop of York, the late Right Honourable John, Earl Russell, K.G., F.R.S., the late Very Reverend the Dean of Westminster, Sir John Lubbock, Baronet, the late Sir John Bowring, LL.D., Sir Roundell Palmer, Q.C., M.P., D.C.L., now Earl of Selborne, the late George Grote, Esquire, F.R.S., and others of Our subjects formed themselves into a Society known as the Historical Society of Great Britain, having for its object the promotion of the study of History;

AND WHEREAS We were pleased in the year one thousand eight hundred and seventy-two to permit the said Society to adopt the name and title of the Royal Historical Society;

AND WHEREAS in the year one thousand eight hundred and eighty-seven We were pleased to become Patron of the said Royal Historical Society;

AND WHEREAS it has been represented to Us by the said Petitioner that the said Society has been and continues to be actively employed in promoting the object for which the said Society was founded, and has published thirteen volumes of Transactions containing original memoirs read before the Society, and did also in the year one thousand eight hundred and eighty-six appoint a Com-

mittee for the due celebration of the eight hundredth anniversary of the completion of the Domesday Book of His late Majesty William the First, by which Committee meetings for the reading of papers and exhibitions of Domesday Book and other manuscripts were held, and the papers read at the meetings have been published under the title of Domesday Studies, of which We have been pleased to accept the dedication, and the said Society has also published the despatches from Paris in one thousand eight hundred and two–one thousand eight hundred and three of Lord Whitworth, Ambassador of His late Majesty King George III ;

AND WHEREAS the said Society has in aid of its objects collected a Library to which additions are constantly being made, and other property ;

AND WHEREAS the said Petitioner, believing that the well-being and usefulness of the said Society would be materially promoted by its obtaining a Charter of Incorporation, hath therefore, on behalf of himself and the other Fellows of the said Society, most humbly prayed that We would be pleased to grant to those who now are, or who shall from time to time become Fellows of the said Society, Our Royal Charter of Incorporation ;

NOW KNOW YE that We, being desirous of encouraging a design so laudable and salutary, of Our especial grace, certain knowledge and mere motion, have granted, directed and declared, and by these Presents do grant, direct, and declare that the said Henry Austin, Baron Aberdare, and such others of Our loving subjects as now are Fellows of the said Royal Historical Society (hereinafter called the said Society), or as shall hereafter from time to time become under the provisions of these Presents Members of the Body Politic and Corporate by these Presents created, shall for ever hereafter be one Body Politic and Corporate by the name of the ROYAL HISTORICAL SOCIETY ; and for the purposes aforesaid, and by the name aforesaid, shall have perpetual succession and a Common Seal, with full power and authority to alter or vary, break and renew the same at their discretion, and by the same name to sue and be sued, implead and be impleaded, answer and be answered in every Court of Us, Our Heirs and Successors.

AND Our will and pleasure is, that the Royal Historical Society hereby created (hereinafter called the Corporation) may, notwithstanding the Statutes of Mortmain, take, purchase, hold and enjoy

to them and their successors a hall or house, and such other lands, tenements, and hereditaments as may be necessary for carrying out the purposes of the Society, Provided that the yearly value of such lands, tenements, and hereditaments (including the said hall or house) computed at the yearly value of the same at the time of the respective purchases or acquisition thereof do not exceed in the whole the sum of Two thousand pounds sterling.

AND Our will and pleasure is, and We do hereby declare, That there shall always be a Council of the Corporation, and that the said Council shall consist of a President, not less than six Vice-Presidents, a Treasurer, a Secretary, and not less than fourteen Councillors, who shall be elected and retire in accordance with the By-laws for the time being of the Corporation, and that the present Council of the said Society shall be the first Council of the Corporation;

AND Our will and pleasure is, That the Council of the Corporation may from time to time make, revoke, alter, and amend by-laws for all or any of the following purposes, to wit:—

(*a*) Prescribing the manner in which persons may become members of the Corporation and the conditions of membership, and the rights, powers, duties, privileges, and amotion of the members of the Corporation;

(*b*) Prescribing the tenure of office by the President, Vice-Presidents, Treasurer, Secretary, and Councillors of the Corporation (including those hereby appointed), and the mode of electing or appointing future Presidents, Vice-Presidents, Treasurers, Secretaries and Councillors, and the rights, powers, duties, privileges, and amotion of the first and future Presidents, Vice-Presidents, Treasurers, Secretaries, and Councillors;

(*c*) With respect to the appointments, emoluments, and tenure of office of the officers and servants of the Corporation;

(*d*) The election or appointment and amotion of honorary members or Fellows of the Corporation (who may, if the by-laws so declare, be either Our subjects or foreigners, or both);

(*e*) The classes into which Members are to be admitted;

(*f*) Generally for regulating the affairs, property, business, and interests of the Corporation and its Council and Members, and making, revoking, altering, and amending by-laws and carrying out the objects of these Presents;

Provided that such by-laws shall not be valid unless and until they have been approved by a clear majority of the members of the Corporation present at a meeting specially summoned for the purpose, and Provided also that if any by-law be contrary to the objects of the Corporation, or the intent or meaning of this Our Charter, or the laws or statutes of Our Realm, the same shall be absolutely null and void.

WE do further direct and declare that the existing by-laws of the said Society shall (so far as they are applicable) apply to the Corporation, its Council, members, and affairs until by-laws made under these Presents have come into force but no longer.

WE do further by these Presents declare that it is Our will and pleasure that these Presents may be repealed, altered, amended, or added to by any Charter granted by Us, Our Heirs and Successors, at any time hereafter, and accepted by a clear majority of the members of the Corporation present at a Meeting specially summoned for the purpose.

IN WITNESS whereof We have caused these Our Letters to be made Patent. WITNESS Ourself at Westminster, the thirtieth day of July, in the fifty-third year of Our Reign.

By Warrant under the Queen's Sign Manual,

MUIR MACKENZIE. L.S.

BY-LAWS

THE BY-LAWS

OF THE

ROYAL HISTORICAL SOCIETY

(Incorporated by Royal Charter).

I.—The Society shall consist of Ordinary and Honorary Fellows and Corresponding Members. The number of Honorary Fellows shall not exceed Seventy-five ; and of these not more than twenty-five shall be British subjects.

II.—Every person desirous of admission into the Society as an Ordinary Fellow must be proposed and recommended agreeably to the Form No. I. in the Appendix hereto, and such recommendation must be subscribed by two Fellows at least, one of whom must certify his personal knowledge of such candidate. The certificate thus filled up shall be delivered to the Secretary, and shall be communicated by him to the Council at their next meeting, when the election of such candidate may take place.

III.—Fellows shall be elected by the Council on the vote of two-thirds of the Members of Council present. The names of those so elected shall be announced at the next Ordinary Meeting of Fellows.

IV.—The Secretary shall send to every elected Fellow notice of his election within seven days thereafter. No election of an Ordinary Fellow shall be complete, nor shall his name be

printed in the list of the Society, nor shall he be entitled to any of the privileges of a Fellow, until he shall have paid his entrance fee (if any) and first year's subscription, or compounded for the same, as hereinafter provided; and unless these payments be made within three calendar months from the date of election, such election may be declared void by the Council.

V.—Subject to the limit fixed in Rule I., the Council shall be empowered to elect persons of distinction in historical studies as Honorary Fellows, or as Corresponding Members, who shall not be required to pay an entrance fee or annual subscription; but no persons so elected shall be entitled, except on the special vote of the Council, to receive the Publications of the Society, or to vote at meetings. The Council may also nominate distinguished Fellows of the Society to be Honorary Vice Presidents, who shall be elected by the Fellows at the Anniversary Meeting, and shall retain the title so long as they are Fellows of the Society, provided that the number of Honorary Vice-Presidents shall not exceed twenty-five.

VI.—The Council shall also be empowered to admit Libraries as subscribers for the Publications of the Society, and to define from time to time the conditions of such admission.

VII.—If any Fellow of the Society shall so demean himself that it would be for the dishonour of the Society that he longer continue to be a Fellow thereof, the Council shall take the matter into consideration; and if two-thirds of the Members of the Council present and voting at a meeting (of which and of the matter in hand such Fellow and every Member of the Council shall have due notice) shall decide by ballot to recommend that such Fellow be removed from the Society, he shall be requested to resign. If he refuse to resign, a Special Meeting of the Society shall be convened to consider the recommendation of the Council, at which meeting, or at an adjourned meeting, the question shall be decided by ballot; and if two-thirds of the Fellows present and voting agree with the recommendation of the Council the name of such Fellow shall forthwith be removed from the Roll.

VIII.—The Annual Subscription shall be Two Guineas, provided always that Fellows elected prior to the 1st of March, 1884,

shall not be required to pay more than One Guinea annually, and Members of the Camden Society elected prior to the 1st March, 1895, the sum of One Pound annually. The Council shall decide from time to time whether any entrance fee shall be levied and, if so, shall fix its amount.

IX.—Fellows of the Society may at any time compound for their annual subscription by the single payment of Twenty Guineas, of which Fourteen Pounds Sterling shall be placed to the Capital Account of the Society.

X.—No Fellow shall be entitled to any of the privileges of the Society unless and until his subscriptions for the current and previous years have been paid.

XI.—Any Fellow of the Society failing to pay the subscription due for the current year on or before June 1, shall be applied to in writing by the Secretary; and if the same be not paid on or before the 31st December following, the Council shall be empowered to remove his name from the Roll; but such Fellows shall continue liable to the Society for the arrears of their subscriptions.

XII.—Every Ordinary Fellow of the Society shall, during the term of his subscription, be entitled to receive the Publications of the Society free of expense.

XIII.—Every Fellow of the Society shall furnish his Address, or that of his Agent or Banker, to the Secretary; and all notices or packets posted or sent to such address shall be held to be duly delivered.

XIV.—Fellows shall have access to the Society's Library under such regulations as may appear to the Council necessary.

XV.—The President shall be elected by the Fellows at the Anniversary Meeting, and shall hold office for a term of four years. The past Presidents shall be ex-officio Honorary Vice-Presidents of the Society.

XVI.—The Council shall consist of the President, not less than eight Vice-Presidents, the Treasurer, the Secretary, and not less than sixteen Councillors.

XVII.—The two Vice-Presidents senior on the Council Roll, and the four Councillors senior on the Council Roll, shall retire annually, but shall be re-eligible.

XVIII.—The names of Fellows to be submitted for election as Office-Bearers and Councillors shall be proposed by the Council and intimated to the Fellows at least Fifteen days before the Anniversary Meeting; but any ten Fellows of the Society may nominate Fellows to supply vacancies, such names being notified to the Secretary at least Ten days before the said Meeting. If the number of Candidates nominated as Vice-Presidents or Councillors be such as would, if all were elected, raise the number of Vice-Presidents or Councillors above eight or sixteen respectively, the Meeting shall determine the number of vacancies to be filled; and if the number of vacancies so determined for either class should be less than the number of Candidates, the elections for that class shall take place by ballot as provided in Appendix II.

XIX.—On a vacancy occurring in the office of President or other office of the Society, or in the Council, the Council shall have power to supply such vacancy until the following Anniversary Meeting.

XX.—In all Meetings of the Council five shall be a quorum, and all questions shall be decided by show of hands, unless a ballot be demanded.

XXI.—The Council shall determine the Works, Articles, and Papers to be read at the Society's Meetings, and otherwise shall arrange the business of the Society; and nothing shall be published in the name of the Society, or under its auspices, or inserted in the Society's *Transactions* or other publications, without the authority of the Council.

XXII.—The Council shall appoint any persons they deem fit to be salaried officers or clerks, for carrying on the necessary

concerns of the Society ; and shall define the duties to be performed by them respectively, and shall allow to them respectively such salaries, gratuities, and privileges as the Council may deem proper ; and may suspend or discharge any officer or clerk from office whenever there shall seem to them occasion for so doing.

XXIII.—The Meetings of the Society are of three kinds—Anniversary, Special, and Ordinary.

XXIV.—The Anniversary Meeting shall be held on the Third Thursday of February, or at such other time as the Council shall from time to time appoint. At the Anniversary Meeting the vacancies in the Council shall be filled up.

XXV.—The Council may call a Special Meeting of the Society whenever it shall be considered necessary, and shall convene a Special Meeting of the Society on a requisition to that effect being made by twenty Fellows, the date of such Meeting being fixed within one month from the receipt of the requisition.

XXVI.—A fortnight's notice, at least, of the time when, and the object for which, every Special Meeting is to be holden shall be sent to every Fellow residing in the United Kingdom ; and no other business than that of which notice has been thus given shall be entered upon or discussed at such Meeting.

XXVII.—At every Special Meeting of the Society ten Fellows shall form a quorum.

XXVIII.—The Ordinary Meetings shall be held on the third Thursday of each month, from November to June inclusive in each year, or at such other times as the Council shall determine.

XXIX.—At the Ordinary Meetings papers and communications shall be read and discussed ; but nothing relating to the regulations or management of the Society shall be brought forward.

XXX.—Visitors to the Ordinary Meetings may be admitted, if introduced personally by Fellows, or by their written order, under such regulations as the Council may determine.

XXXI.—Any Fellow of the Society who proposes to read a Paper at any Ordinary Meeting shall submit it for the approval of the Council, and shall state in writing whether such Paper has, in whole or in part, been previously read to any other Society, or publicly utilised in any form; but it shall rest with the Council to determine whether a Paper shall be read or utilised by the Society.

XXXII.—At all Meetings of the Society, or the Council, or the Committees thereof, the President, if present, shall be Chairman; and in his absence one of the Vice-Presidents, or, if no Vice-President be present, a Member of Council shall be elected Chairman for the occasion.

XXXIII.—In all Meetings of the Society and Council, except in the cases otherwise provided for, the decision of a majority of the Fellows voting shall be considered as the decision of the Meeting, the President or Chairman having a casting vote only.

XXXIV.—The Accounts of the Society shall be from time to time examined by the Council, who shall present, and cause to be read to the Anniversary Meeting a complete statement thereof, together with a report on the general affairs of the Society during the preceding year.

XXXV.—The Treasurer shall receive all moneys due to the Society, and on the order of the Council pay out of the moneys so received all charges on the Society's funds; he shall keep a proper account of his receipts and payments. All cheques or orders on the Treasurer's account for the payment of any sum of money above £5 must be authorised by the Council, and cheques must be signed by the Treasurer and two Members of the Council.

XXXVI.—At the last Ordinary Meeting in each session, the Fellows shall choose two Auditors, not of the Council, who, with one Auditor appointed by the Council, shall audit the Treasurer's accounts, and report thereon to the Society, which report shall be presented to the Anniversary Meeting.

Royal Historical Society.

(INCORPORATED BY ROYAL CHARTER.)

OFFICERS AND COUNCIL—1903-1904.

Patron.

HIS MAJESTY THE KING.

President.

G. W. PROTHERO, Litt.D., LL.D.

Honorary Vice-Presidents.

THE RIGHT HON. LORD AVEBURY, D.C.L., LL.D., F.R.S.
THE REV. J. F. BRIGHT, D.D., Master of University College, Oxford.
SIR JOHN EVANS, K.C.B., D.C.L., LL.D., F.R.S.
LORD EDMOND FITZMAURICE, M.A., M.P.
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